

EXHIBIT A

Fill in this information to identify your case:

United States Bankruptcy Court for the:

WESTERN DISTRICT OF NEW YORK

Case number (if known) _____

Chapter you are filing under:

☐ Chapter 7☐ Chapter 11☐ Chapter 12☒ Chapter 13☐ Check if this an amended filing

Official Form 101

Voluntary Petition for Individuals Filing for Bankruptcy

12/17

The bankruptcy forms use you and Debtor 1 to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, these forms use you to ask for information from both debtors. For example, if a form asks, “Do you own a car,” the answer would be yes if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Identify Yourself**About Debtor 1:****About Debtor 2 (Spouse Only in a Joint Case):****1. Your full name**

Write the name that is on your government-issued picture identification (for example, your driver's license or passport).

Cori

First name

Middle name

First name

Middle name

Bring your picture identification to your meeting with the trustee.

DuVall

Last name and Suffix (Sr., Jr., II, III)

Last name and Suffix (Sr., Jr., II, III)

2. All other names you have used in the last 8 years

Include your married or maiden names.

3. Only the last 4 digits of your Social Security number or federal Individual Taxpayer Identification number (ITIN)**xxx-xx-2304**

About Debtor 1:**4. Any business names and Employer Identification Numbers (EIN) you have used in the last 8 years**☒ I have not used any business name or EINs.Include trade names and *doing business as* names

Business name(s)

EINs

About Debtor 2 (Spouse Only in a Joint Case):☐ I have not used any business name or EINs.

Business name(s)

EINs

5. Where you live**5550 County Road 30
Canandaigua, NY 14424**

Number, Street, City, State & ZIP Code

Ontario

County

If your mailing address is different from the one above, fill it in here. Note that the court will send any notices to you at this mailing address.

Number, P.O. Box, Street, City, State & ZIP Code

If Debtor 2 lives at a different address:

Number, Street, City, State & ZIP Code

County

If Debtor 2's mailing address is different from yours, fill it in here. Note that the court will send any notices to this mailing address.

Number, P.O. Box, Street, City, State & ZIP Code

6. Why you are choosing this district to file for bankruptcy

Check one:

☒ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.☐ I have another reason.
Explain. (See 28 U.S.C. § 1408.)

Check one:

☐ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.☐ I have another reason.
Explain. (See 28 U.S.C. § 1408.)

Part 2: Tell the Court About Your Bankruptcy Case

7. **The chapter of the Bankruptcy Code you are choosing to file under** *Check one.* (For a brief description of each, see *Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)*). Also, go to the top of page 1 and check the appropriate box.
- ☐ Chapter 7
- ☐ Chapter 11
- ☐ Chapter 12
- ☒ Chapter 13
-
8. **How you will pay the fee** ☒ **I will pay the entire fee when I file my petition.** Please check with the clerk's office in your local court for more details about how you may pay. Typically, if you are paying the fee yourself, you may pay with cash, cashier's check, or money order. If your attorney is submitting your payment on your behalf, your attorney may pay with a credit card or check with a pre-printed address.
- ☐ **I need to pay the fee in installments.** If you choose this option, sign and attach the *Application for Individuals to Pay The Filing Fee in Installments* (Official Form 103A).
- ☐ **I request that my fee be waived** (You may request this option only if you are filing for Chapter 7. By law, a judge may, but is not required to, waive your fee, and may do so only if your income is less than 150% of the official poverty line that applies to your family size and you are unable to pay the fee in installments). If you choose this option, you must fill out the *Application to Have the Chapter 7 Filing Fee Waived* (Official Form 103B) and file it with your petition.
-
9. **Have you filed for bankruptcy within the last 8 years?** ☒ No.
- ☐ Yes.
- | | | |
|----------------|------------|-------------------|
| District _____ | When _____ | Case number _____ |
| District _____ | When _____ | Case number _____ |
| District _____ | When _____ | Case number _____ |
-
10. **Are any bankruptcy cases pending or being filed by a spouse who is not filing this case with you, or by a business partner, or by an affiliate?** ☒ No.
- ☐ Yes.
- | | | |
|----------------|---------------------------|-----------------------------|
| Debtor _____ | Relationship to you _____ | |
| District _____ | When _____ | Case number, if known _____ |
| Debtor _____ | Relationship to you _____ | |
| District _____ | When _____ | Case number, if known _____ |
-
11. **Do you rent your residence?** ☒ No. Go to line 12.
- ☐ Yes. Has your landlord obtained an eviction judgment against you?
- ☐ No. Go to line 12.
- ☐ Yes. Fill out *Initial Statement About an Eviction Judgment Against You* (Form 101A) and file it as part of this bankruptcy petition.

Part 3: Report About Any Businesses You Own as a Sole Proprietor**12. Are you a sole proprietor of any full- or part-time business?**☒ No. Go to Part 4.☐ Yes. Name and location of business

A sole proprietorship is a business you operate as an individual, and is not a separate legal entity such as a corporation, partnership, or LLC.

If you have more than one sole proprietorship, use a separate sheet and attach it to this petition.

Name of business, if any

Number, Street, City, State & ZIP Code

Check the appropriate box to describe your business:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ None of the above

13. Are you filing under Chapter 11 of the Bankruptcy Code and are you a small business debtor?

For a definition of *small business debtor*, see 11 U.S.C. § 101(51D).

If you are filing under Chapter 11, the court must know whether you are a small business debtor so that it can set appropriate deadlines. If you indicate that you are a small business debtor, you must attach your most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. 1116(1)(B).

☒ No. I am not filing under Chapter 11.☐ No. I am filing under Chapter 11, but I am NOT a small business debtor according to the definition in the Bankruptcy Code.☐ Yes. I am filing under Chapter 11 and I am a small business debtor according to the definition in the Bankruptcy Code.**Part 4: Report if You Own or Have Any Hazardous Property or Any Property That Needs Immediate Attention****14. Do you own or have any property that poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety? Or do you own any property that needs immediate attention?**☒ No.☐ Yes. What is the hazard?

If immediate attention is needed, why is it needed?

For example, do you own perishable goods, or livestock that must be fed, or a building that needs urgent repairs?

Where is the property?

Number, Street, City, State & Zip Code

Part 5: Explain Your Efforts to Receive a Briefing About Credit Counseling**15. Tell the court whether you have received a briefing about credit counseling.**

The law requires that you receive a briefing about credit counseling before you file for bankruptcy. You must truthfully check one of the following choices. If you cannot do so, you are not eligible to file.

If you file anyway, the court can dismiss your case, you will lose whatever filing fee you paid, and your creditors can begin collection activities again.

About Debtor 1:

You must check one:

- ☒ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.**

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

- ☐ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.**

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

- ☐ **I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.**

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy. If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

- ☐ **I am not required to receive a briefing about credit counseling because of:**

- ☐ **Incapacity.**
I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.
- ☐ **Disability.**
My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.
- ☐ **Active duty.**
I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver credit counseling with the court.

About Debtor 2 (Spouse Only in a Joint Case):

You must check one:

- ☐ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.**

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

- ☐ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.**

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

- ☐ **I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.**

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

- ☐ **I am not required to receive a briefing about credit counseling because of:**

- ☐ **Incapacity.**
I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.
- ☐ **Disability.**
My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.
- ☐ **Active duty.**
I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

Part 6: Answer These Questions for Reporting Purposes

16. What kind of debts do you have?	16a.	Are your debts primarily consumer debts? <i>Consumer debts</i> are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input type="checkbox"/> No. Go to line 16b. <input checked="" type="checkbox"/> Yes. Go to line 17.
	16b.	Are your debts primarily business debts? <i>Business debts</i> are debts that you incurred to obtain money for a business or investment or through the operation of the business or investment. <input type="checkbox"/> No. Go to line 16c. <input type="checkbox"/> Yes. Go to line 17.
	16c.	State the type of debts you owe that are not consumer debts or business debts

17. Are you filing under Chapter 7?	<input checked="" type="checkbox"/> No.	I am not filing under Chapter 7. Go to line 18.
Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available for distribution to unsecured creditors?	<input type="checkbox"/> Yes.	I am filing under Chapter 7. Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available to distribute to unsecured creditors? <input type="checkbox"/> No <input type="checkbox"/> Yes

18. How many Creditors do you estimate that you owe?	<input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999	<input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5001-10,000 <input type="checkbox"/> 10,001-25,000	<input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> More than 100,000
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19. How much do you estimate your assets to be worth?	<input checked="" type="checkbox"/> \$0 - \$50,000 <input type="checkbox"/> \$50,001 - \$100,000 <input type="checkbox"/> \$100,001 - \$500,000 <input type="checkbox"/> \$500,001 - \$1 million	<input type="checkbox"/> \$1,000,001 - \$10 million <input type="checkbox"/> \$10,000,001 - \$50 million <input type="checkbox"/> \$50,000,001 - \$100 million <input type="checkbox"/> \$100,000,001 - \$500 million	<input type="checkbox"/> \$500,000,001 - \$1 billion <input type="checkbox"/> \$1,000,000,001 - \$10 billion <input type="checkbox"/> \$10,000,000,001 - \$50 billion <input type="checkbox"/> More than \$50 billion
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20. How much do you estimate your liabilities to be?	<input checked="" type="checkbox"/> \$0 - \$50,000 <input type="checkbox"/> \$50,001 - \$100,000 <input type="checkbox"/> \$100,001 - \$500,000 <input type="checkbox"/> \$500,001 - \$1 million	<input type="checkbox"/> \$1,000,001 - \$10 million <input type="checkbox"/> \$10,000,001 - \$50 million <input type="checkbox"/> \$50,000,001 - \$100 million <input type="checkbox"/> \$100,000,001 - \$500 million	<input type="checkbox"/> \$500,000,001 - \$1 billion <input type="checkbox"/> \$1,000,000,001 - \$10 billion <input type="checkbox"/> \$10,000,000,001 - \$50 billion <input type="checkbox"/> More than \$50 billion
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Part 7: Sign Below**For you**

I have examined this petition, and I declare under penalty of perjury that the information provided is true and correct.

If I have chosen to file under Chapter 7, I am aware that I may proceed, if eligible, under Chapter 7, 11, 12, or 13 of title 11, United States Code. I understand the relief available under each chapter, and I choose to proceed under Chapter 7.

If no attorney represents me and I did not pay or agree to pay someone who is not an attorney to help me fill out this document, I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I understand making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

/s/ Cori DuVall**Cori DuVall**

Signature of Debtor 1

Signature of Debtor 2

Executed on **March 1, 2019**

MM / DD / YYYY

Executed on

MM / DD / YYYY

Debtor 1 **Cori DuVall**

Case number (if known)

For your attorney, if you are represented by one

If you are not represented by an attorney, you do not need to file this page.

I, the attorney for the debtor(s) named in this petition, declare that I have informed the debtor(s) about eligibility to proceed under Chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each chapter for which the person is eligible. I also certify that I have delivered to the debtor(s) the notice required by 11 U.S.C. § 342(b) and, in a case in which § 707(b)(4)(D) applies, certify that I have no knowledge after an inquiry that the information in the schedules filed with the petition is incorrect.

/s/ Zachary James Pike
Signature of Attorney for Debtor

Date **March 1, 2019**
MM / DD / YYYY

Zachary James Pike
Printed name

Legal Aid Society
Firm name

1 West Main Street
Suite 800
Rochester, NY 14614
Number, Street, City, State & ZIP Code

Contact phone **(585) 232-4090** Email address

4361937 NY
Bar number & State

United States Trustee
100 State Street
Room 6090
Rochester, NY 14614

Hon. Paul R. Warren
100 State Street
Rochester, NY 14614

Appellate Division, 4th Dept
50 East Avenue, Suite 200
Rochester, NY 14604

Canandaiuga Medical Group PC
355 Parrish St
Canandaigua, NY 14424

CBJ Credit Recovery
Attn: Bankruptcy Dept
PO Box 1132
Jamestown, NY 14702

Eos Cca
Attn: Bankruptcy
PO Box 329
Norwell, MA 02061

F.F. Thompson Hospital
350 Parrish St
Canandaigua, NY 14424

Holly Adams, Esq.
Ontario County Attorney
20 Ontario Street
Canandaigua, NY 14424

Honeoye Family Pracitce
23 Ontario Street
Honeoye Falls, NY 14472

Jason S. DiPonzio, Esq.
16 E. Main St, Suite 950
Rochester, NY 14614

Ontario County
Treasurer/Dept. of Taxation
20 Ontario Street
Canandaigua, NY 14424

U of R Medical Facility Group/OP
c/o EOS CCA
300 Canal View Boulevard
Suite 130
Rochester, NY 14623

Fill in this information to identify your case:

Debtor 1	Cori DuVall		
	First Name	Middle Name	Last Name
Debtor 2			
(Spouse if, filing)	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:	WESTERN DISTRICT OF NEW YORK		
Case number	2-19-20179		
(if known)			

☐ Check if this is an amended filing

Official Form 106Sum

Summary of Your Assets and Liabilities and Certain Statistical Information

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Fill out all of your schedules first; then complete the information on this form. If you are filing amended schedules after you file your original forms, you must fill out a new *Summary* and check the box at the top of this page.

Part 1: Summarize Your Assets

		Your assets Value of what you own
1.	Schedule A/B: Property (Official Form 106A/B)	
1a.	Copy line 55, Total real estate, from Schedule A/B.....	\$ 186,000.00
1b.	Copy line 62, Total personal property, from Schedule A/B.....	\$ 109,419.22
1c.	Copy line 63, Total of all property on Schedule A/B.....	\$ 295,419.22

Part 2: Summarize Your Liabilities

		Your liabilities Amount you owe
2.	Schedule D: Creditors Who Have Claims Secured by Property (Official Form 106D)	
2a.	Copy the total you listed in Column A, <i>Amount of claim</i> , at the bottom of the last page of Part 1 of <i>Schedule D</i> ...	\$ 42,000.00
3.	Schedule E/F: Creditors Who Have Unsecured Claims (Official Form 106E/F)	
3a.	Copy the total claims from Part 1 (priority unsecured claims) from line 6e of <i>Schedule E/F</i>	\$ 0.00
3b.	Copy the total claims from Part 2 (nonpriority unsecured claims) from line 6j of <i>Schedule E/F</i>	\$ 2,802.00
Your total liabilities		\$ 44,802.00

Part 3: Summarize Your Income and Expenses

4.	Schedule I: Your Income (Official Form 106I)	
	Copy your combined monthly income from line 12 of <i>Schedule I</i>	\$ 1,891.50
5.	Schedule J: Your Expenses (Official Form 106J)	
	Copy your monthly expenses from line 22c of <i>Schedule J</i>	\$ 1,805.50

Part 4: Answer These Questions for Administrative and Statistical Records

6. **Are you filing for bankruptcy under Chapters 7, 11, or 13?**
- ☐ No. You have nothing to report on this part of the form. Check this box and submit this form to the court with your other schedules.
- ☒ Yes
7. **What kind of debt do you have?**
- ☒ **Your debts are primarily consumer debts.** *Consumer debts* are those "incurred by an individual primarily for a personal, family, or household purpose." 11 U.S.C. § 101(8). Fill out lines 8-9g for statistical purposes. 28 U.S.C. § 159.
- ☐ **Your debts are not primarily consumer debts.** You have nothing to report on this part of the form. *Check this box* and submit this form to the court with your other schedules.

8. **From the *Statement of Your Current Monthly Income*:** Copy your total current monthly income from Official Form 122A-1 Line 11; **OR**, Form 122B Line 11; **OR**, Form 122C-1 Line 14.

\$ **2,116.00**

9. **Copy the following special categories of claims from Part 4, line 6 of *Schedule E/F*:**

	Total claim
From Part 4 on <i>Schedule E/F</i>, copy the following:	
9a. Domestic support obligations (Copy line 6a.)	\$ 0.00
9b. Taxes and certain other debts you owe the government. (Copy line 6b.)	\$ 0.00
9c. Claims for death or personal injury while you were intoxicated. (Copy line 6c.)	\$ 0.00
9d. Student loans. (Copy line 6f.)	\$ 0.00
9e. Obligations arising out of a separation agreement or divorce that you did not report as priority claims. (Copy line 6g.)	\$ 0.00
9f. Debts to pension or profit-sharing plans, and other similar debts. (Copy line 6h.)	+\$ 0.00
9g. Total. Add lines 9a through 9f.	\$ 0.00

Fill in this information to identify your case and this filing:

Debtor 1	Cori DuVall		
	First Name	Middle Name	Last Name
Debtor 2			
(Spouse, if filing)	First Name	Middle Name	Last Name
United States Bankruptcy Court for the: <u>WESTERN DISTRICT OF NEW YORK</u>			
Case number	<u>2-19-20179</u>		

☐ Check if this is an amended filing

Official Form 106A/B

Schedule A/B: Property

12/15

In each category, separately list and describe items. List an asset only once. If an asset fits in more than one category, list the asset in the category where you think it fits best. Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Each Residence, Building, Land, or Other Real Estate You Own or Have an Interest In

1. Do you own or have any legal or equitable interest in any residence, building, land, or similar property?

- ☐ No. Go to Part 2.
- ☒ Yes. Where is the property?

1.1

9097 County Road 14

Street address, if available, or other description

Honeoye Falls NY 14472-0000

City State ZIP Code

Ontario

County

What is the property? Check all that apply

- ☒ Single-family home
- ☐ Duplex or multi-unit building
- ☐ Condominium or cooperative
- ☐ Manufactured or mobile home
- ☐ Land
- ☐ Investment property
- ☐ Timeshare
- ☐ Other _____

Who has an interest in the property? Check one

- ☒ Debtor 1 only
- ☐ Debtor 2 only
- ☐ Debtor 1 and Debtor 2 only
- ☐ At least one of the debtors and another

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property?

\$186,000.00

Current value of the portion you own?

\$186,000.00

Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.

☐ Check if this is community property (see instructions)

Other information you wish to add about this item, such as local property identification number:

Ontario County entered a default judgment of foreclosure on March 7, 2017. Debtor will undo transfer via adversarial proceeding pursuant to Bankruptcy Code Section 548. No deed has been filed or recorded removing debtor's name.

2. Add the dollar value of the portion you own for all of your entries from Part 1, including any entries for pages you have attached for Part 1. Write that number here.....=>

\$186,000.00

Part 2: Describe Your Vehicles

Do you own, lease, or have legal or equitable interest in any vehicles, whether they are registered or not? Include any vehicles you own that someone else drives. If you lease a vehicle, also report it on *Schedule G: Executory Contracts and Unexpired Leases*.

3. Cars, vans, trucks, tractors, sport utility vehicles, motorcycles☐ No☒ Yes

3.1 Make: **Dodge**
 Model: **Caravan**
 Year: **2015**
 Approximate mileage: **80000**
 Other information:
Fair Condition

Who has an interest in the property? Check one

- ☒ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another
☐ Check if this is community property
 (see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property?

Current value of the portion you own?

\$8,100.00**\$8,100.00****4. Watercraft, aircraft, motor homes, ATVs and other recreational vehicles, other vehicles, and accessories**

Examples: Boats, trailers, motors, personal watercraft, fishing vessels, snowmobiles, motorcycle accessories

☒ No☐ Yes

5 Add the dollar value of the portion you own for all of your entries from Part 2, including any entries for pages you have attached for Part 2. Write that number here.....=>

\$8,100.00**Part 3: Describe Your Personal and Household Items**

Do you own or have any legal or equitable interest in any of the following items?

Current value of the portion you own?
 Do not deduct secured claims or exemptions.

6. Household goods and furnishings

Examples: Major appliances, furniture, linens, china, kitchenware

☐ No☒ Yes. Describe.....

Living Room: sofa (2), loveseat (1), coffee table (1), end table (2), lamps (2), entertainment center (1), television (1), dvd player (1), stereo (1), dvds, kids craft table

\$615.00

Dining Room: buffet, table, chairs (6), china cabinet

\$350.00

Kitchen: stools (3), refrigerator, pots/pans, bowls/dishes/glasses, tableware, cooking utensils

\$200.00

Bedrooms: bed (4), dresser (3), night table (3), television (2), bookcase, books, dvd player, lamp (2)

\$460.00**7. Electronics**

Examples: Televisions and radios; audio, video, stereo, and digital equipment; computers, printers, scanners; music collections; electronic devices including cell phones, cameras, media players, games

☐ No☒ Yes. Describe.....

television (3), dvd player (2), stereo, cell phone

\$450.00

8. Collectibles of value

Examples: Antiques and figurines; paintings, prints, or other artwork; books, pictures, or other art objects; stamp, coin, or baseball card collections; other collections, memorabilia, collectibles

☒ No

☐ Yes. Describe.....

9. Equipment for sports and hobbies

Examples: Sports, photographic, exercise, and other hobby equipment; bicycles, pool tables, golf clubs, skis; canoes and kayaks; carpentry tools; musical instruments

☐ No

☒ Yes. Describe.....

4 wheeler (8 years old)

\$200.00

10. Firearms

Examples: Pistols, rifles, shotguns, ammunition, and related equipment

☒ No

☐ Yes. Describe.....

11. Clothes

Examples: Everyday clothes, furs, leather coats, designer wear, shoes, accessories

☐ No

☒ Yes. Describe.....

General everyday clothing

\$350.00

12. Jewelry

Examples: Everyday jewelry, costume jewelry, engagement rings, wedding rings, heirloom jewelry, watches, gems, gold, silver

☐ No

☒ Yes. Describe.....

necklace, ring

\$300.00

13. Non-farm animals

Examples: Dogs, cats, birds, horses

☐ No

☒ Yes. Describe.....

Dog

\$10.00

14. Any other personal and household items you did not already list, including any health aids you did not list

☒ No

☐ Yes. Give specific information.....

15. Add the dollar value of all of your entries from Part 3, including any entries for pages you have attached for Part 3. Write that number here

\$2,935.00

Part 4: Describe Your Financial Assets

Do you own or have any legal or equitable interest in any of the following?

Current value of the portion you own?
Do not deduct secured claims or exemptions.

16. Cash

Examples: Money you have in your wallet, in your home, in a safe deposit box, and on hand when you file your petition

☐ No

☒ Yes.....

Cash	\$10.00
-------------	----------------

17. Deposits of money

Examples: Checking, savings, or other financial accounts; certificates of deposit; shares in credit unions, brokerage houses, and other similar institutions. If you have multiple accounts with the same institution, list each.

☐ No☒ Yes.....

Institution name:

17.1.

M&T Bank Account (Savings)**\$3,800.13**17.2. **Checking****M&T Bank Account (Checking)****\$94,574.09****18. Bonds, mutual funds, or publicly traded stocks**

Examples: Bond funds, investment accounts with brokerage firms, money market accounts

☒ No☐ Yes.....

Institution or issuer name:

19. Non-publicly traded stock and interests in incorporated and unincorporated businesses, including an interest in an LLC, partnership, and joint venture☒ No☐ Yes. Give specific information about them.....

Name of entity:

% of ownership:

20. Government and corporate bonds and other negotiable and non-negotiable instruments

Negotiable instruments include personal checks, cashiers' checks, promissory notes, and money orders.

Non-negotiable instruments are those you cannot transfer to someone by signing or delivering them.

☒ No☐ Yes. Give specific information about them

Issuer name:

21. Retirement or pension accounts

Examples: Interests in IRA, ERISA, Keogh, 401(k), 403(b), thrift savings accounts, or other pension or profit-sharing plans

☒ No☐ Yes. List each account separately.

Type of account:

Institution name:

22. Security deposits and prepayments

Your share of all unused deposits you have made so that you may continue service or use from a company

Examples: Agreements with landlords, prepaid rent, public utilities (electric, gas, water), telecommunications companies, or others

☒ No☐ Yes.

Institution name or individual:

23. Annuities (A contract for a periodic payment of money to you, either for life or for a number of years)☐ No☒ Yes.....

Issuer name and description.

from settlement for claim against New York State

Paid \$2014 a month through January 2019. Withdrawl made in November 2018 which temporarily ceased annuity payments. Annuity resumes with half payments in 2020. Will go back to full payments in 2030.

Unknown**24. Interests in an education IRA, in an account in a qualified ABLE program, or under a qualified state tuition program.**

26 U.S.C. §§ 530(b)(1), 529A(b), and 529(b)(1).

☒ No☐ Yes.....

Institution name and description. Separately file the records of any interests. 11 U.S.C. § 521(c):

25. Trusts, equitable or future interests in property (other than anything listed in line 1), and rights or powers exercisable for your benefit☒ No

☐ Yes. Give specific information about them...

26. Patents, copyrights, trademarks, trade secrets, and other intellectual property

Examples: Internet domain names, websites, proceeds from royalties and licensing agreements

☒ No

☐ Yes. Give specific information about them...

27. Licenses, franchises, and other general intangibles

Examples: Building permits, exclusive licenses, cooperative association holdings, liquor licenses, professional licenses

☒ No

☐ Yes. Give specific information about them...

Money or property owed to you?

Current value of the portion you own?
Do not deduct secured claims or exemptions.

28. Tax refunds owed to you

☒ No

☐ Yes. Give specific information about them, including whether you already filed the returns and the tax years.....

29. Family support

Examples: Past due or lump sum alimony, spousal support, child support, maintenance, divorce settlement, property settlement

☒ No

☐ Yes. Give specific information.....

30. Other amounts someone owes you

Examples: Unpaid wages, disability insurance payments, sick pay, vacation pay, workers' compensation, Social Security benefits; unpaid loans you made to someone else

☒ No

☐ Yes. Give specific information..

31. Interests in insurance policies

Examples: Health, disability, or life insurance; health savings account (HSA); credit, homeowner's, or renter's insurance

☒ No

☐ Yes. Name the insurance company of each policy and list its value.

Company name:

Beneficiary:

Surrender or refund value:

32. Any interest in property that is due you from someone who has died

If you are the beneficiary of a living trust, expect proceeds from a life insurance policy, or are currently entitled to receive property because someone has died.

☒ No

☐ Yes. Give specific information..

33. Claims against third parties, whether or not you have filed a lawsuit or made a demand for payment

Examples: Accidents, employment disputes, insurance claims, or rights to sue

☒ No

☐ Yes. Describe each claim.....

34. Other contingent and unliquidated claims of every nature, including counterclaims of the debtor and rights to set off claims

☒ No

☐ Yes. Describe each claim.....

35. Any financial assets you did not already list

☒ No

☐ Yes. Give specific information..

36. Add the dollar value of all of your entries from Part 4, including any entries for pages you have attached for Part 4. Write that number here.....

\$98,384.22

Part 5: Describe Any Business-Related Property You Own or Have an Interest In. List any real estate in Part 1.

37. Do you own or have any legal or equitable interest in any business-related property?

- ☒ No. Go to Part 6.
- ☐ Yes. Go to line 38.

Part 6: Describe Any Farm- and Commercial Fishing-Related Property You Own or Have an Interest In.
If you own or have an interest in farmland, list it in Part 1.

46. Do you own or have any legal or equitable interest in any farm- or commercial fishing-related property?

- ☒ No. Go to Part 7.
- ☐ Yes. Go to line 47.

Part 7: Describe All Property You Own or Have an Interest in That You Did Not List Above

53. Do you have other property of any kind you did not already list?

Examples: Season tickets, country club membership

- ☒ No
- ☐ Yes. Give specific information.....

54. Add the dollar value of all of your entries from Part 7. Write that number here

\$0.00**Part 8: List the Totals of Each Part of this Form**

55. Part 1: Total real estate, line 2		\$186,000.00
56. Part 2: Total vehicles, line 5	\$8,100.00	
57. Part 3: Total personal and household items, line 15	\$2,935.00	
58. Part 4: Total financial assets, line 36	\$98,384.22	
59. Part 5: Total business-related property, line 45	\$0.00	
60. Part 6: Total farm- and fishing-related property, line 52	\$0.00	
61. Part 7: Total other property not listed, line 54	\$0.00	
	+	
62. Total personal property. Add lines 56 through 61...	\$109,419.22	Copy personal property total \$109,419.22
63. Total of all property on Schedule A/B. Add line 55 + line 62		\$295,419.22

Fill in this information to identify your case:

Debtor 1	Cori DuVall		
	First Name	Middle Name	Last Name
Debtor 2 (Spouse if, filing)			
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:	WESTERN DISTRICT OF NEW YORK		
Case number (if known)	2-19-20179		

☐ Check if this is an amended filing

Official Form 106C
Schedule C: The Property You Claim as Exempt
4/16

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Using the property you listed on *Schedule A/B: Property* (Official Form 106A/B) as your source, list the property that you claim as exempt. If more space is needed, fill out and attach to this page as many copies of *Part 2: Additional Page* as necessary. On the top of any additional pages, write your name and case number (if known).

For each item of property you claim as exempt, you must specify the amount of the exemption you claim. One way of doing so is to state a specific dollar amount as exempt. Alternatively, you may claim the full fair market value of the property being exempted up to the amount of any applicable statutory limit. Some exemptions—such as those for health aids, rights to receive certain benefits, and tax-exempt retirement funds—may be unlimited in dollar amount. However, if you claim an exemption of 100% of fair market value under a law that limits the exemption to a particular dollar amount and the value of the property is determined to exceed that amount, your exemption would be limited to the applicable statutory amount.

Part 1: Identify the Property You Claim as Exempt

1. Which set of exemptions are you claiming? Check one only, even if your spouse is filing with you.

☐ You are claiming state and federal nonbankruptcy exemptions. 11 U.S.C. § 522(b)(3)

☒ You are claiming federal exemptions. 11 U.S.C. § 522(b)(2)

2. For any property you list on *Schedule A/B* that you claim as exempt, fill in the information below.

Brief description of the property and line on <i>Schedule A/B</i> that lists this property	Current value of the portion you own Copy the value from <i>Schedule A/B</i>	Amount of the exemption you claim Check only one box for each exemption.	Specific laws that allow exemption
9097 County Road 14 Honeoye Falls, NY 14472 Ontario County Ontario County entered a default judgment of foreclosure on March 7, 2017. Debtor will undo transfer via adversarial proceeding pursuant to Bankruptcy Code Section 548. No deed has been filed o Line from <i>Schedule A/B</i> : 1.1	\$186,000.00	<input checked="" type="checkbox"/> \$12,890.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(5)
2015 Dodge Caravan 80000 miles Fair Condition Line from <i>Schedule A/B</i> : 3.1	\$8,100.00	<input checked="" type="checkbox"/> \$3,775.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(2)
Living Room: sofa (2), loveseat (1), coffee table (1), end table (2), lamps (2), entertainment center (1), television (1), dvd player (1), stereo (1), dvds, kids craft table Line from <i>Schedule A/B</i> : 6.1	\$615.00	<input checked="" type="checkbox"/> \$615.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(3)
Dining Room: buffet, table, chairs (6), china cabinet Line from <i>Schedule A/B</i> : 6.2	\$350.00	<input checked="" type="checkbox"/> \$350.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(3)

Brief description of the property and line on Schedule A/B that lists this property	Current value of the portion you own <small>Copy the value from Schedule A/B</small>	Amount of the exemption you claim <small>Check only one box for each exemption.</small>	Specific laws that allow exemption
Kitchen: stools (3), refrigerator, pots/pans, bowls/dishes/glasses, tableware, cooking utensils Line from Schedule A/B: 6.3	\$200.00	<input checked="" type="checkbox"/> \$200.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(3)
Bedrooms: bed (4), dresser (3), night table (3), television (2), bookcase, books, dvd player, lamp (2) Line from Schedule A/B: 6.4	\$460.00	<input checked="" type="checkbox"/> \$460.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(3)
television (3), dvd player (2), stereo, cell phone Line from Schedule A/B: 7.1	\$450.00	<input checked="" type="checkbox"/> \$450.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(3)
General everyday clothing Line from Schedule A/B: 11.1	\$350.00	<input checked="" type="checkbox"/> \$350.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(3)
necklace, ring Line from Schedule A/B: 12.1	\$300.00	<input checked="" type="checkbox"/> \$300.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(4)
Dog Line from Schedule A/B: 13.1	\$10.00	<input checked="" type="checkbox"/> \$10.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(5)
M&T Bank Account (Savings) Line from Schedule A/B: 17.1	\$3,800.13	<input checked="" type="checkbox"/> \$100.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(5)
Checking: M&T Bank Account (Checking) Line from Schedule A/B: 17.2	\$94,574.09	<input checked="" type="checkbox"/> \$100.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(5)
from settlement for claim against New York State Paid \$2014 a month through January 2019. Withdrawal made in November 2018 which temporarily ceased annuity payments. Annuity resumes with half payments in 2020. Will go back to full payments in 2030. Line from Schedule A/B: 23.1	Unknown	<input type="checkbox"/> <input checked="" type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	11 U.S.C. § 522(d)(11)(E)

3. **Are you claiming a homestead exemption of more than \$160,375?**
(Subject to adjustment on 4/01/19 and every 3 years after that for cases filed on or after the date of adjustment.)
- ☒ No
- ☐ Yes. Did you acquire the property covered by the exemption within 1,215 days before you filed this case?
- ☐ No
- ☐ Yes

Fill in this information to identify your case:

Debtor 1	Cori DuVall		
	First Name	Middle Name	Last Name
Debtor 2			
(Spouse if, filing)	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:	WESTERN DISTRICT OF NEW YORK		
Case number	2-19-20179		
(if known)			

☐ Check if this is an amended filing

Official Form 106D

Schedule D: Creditors Who Have Claims Secured by Property

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the Additional Page, fill it out, number the entries, and attach it to this form. On the top of any additional pages, write your name and case number (if known).

1. Do any creditors have claims secured by your property?

- ☐ No. Check this box and submit this form to the court with your other schedules. You have nothing else to report on this form.
- ☒ Yes. Fill in all of the information below.

Part 1: List All Secured Claims

2. List all secured claims. If a creditor has more than one secured claim, list the creditor separately for each claim. If more than one creditor has a particular claim, list the other creditors in Part 2. As much as possible, list the claims in alphabetical order according to the creditor's name.

	Column A Amount of claim Do not deduct the value of collateral.	Column B Value of collateral that supports this claim	Column C Unsecured portion If any
2.1 Ontario County <small>Creditor's Name</small> Treasurer/Dept. of Taxation 20 Ontario Street Canandaigua, NY 14424 <small>Number, Street, City, State & Zip Code</small>	\$42,000.00	\$186,000.00	\$0.00
Describe the property that secures the claim: 9097 County Road 14 Honeoye Falls, NY 14472 Ontario County entered a default judgment of foreclosure on March 7, 2017. Debtor will undo transfer via adversarial proceeding pursuant to Bankruptcy Code Section 548. No deed			
As of the date you file, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed			
Nature of lien. Check all that apply. <input type="checkbox"/> An agreement you made (such as mortgage or secured car loan) <input checked="" type="checkbox"/> Statutory lien (such as tax lien, mechanic's lien) <input type="checkbox"/> Judgment lien from a lawsuit <input type="checkbox"/> Other (including a right to offset)			
Who owes the debt? Check one. <input checked="" type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this claim relates to a community debt			
Date debt was incurred 3/2/2017 Last 4 digits of account number			

Add the dollar value of your entries in Column A on this page. Write that number here:
 If this is the last page of your form, add the dollar value totals from all pages.
 Write that number here:

\$42,000.00
\$42,000.00

Part 2: List Others to Be Notified for a Debt That You Already Listed

Use this page only if you have others to be notified about your bankruptcy for a debt that you already listed in Part 1. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the creditor in Part 1, and then list the collection agency here. Similarly, if you have more than one creditor for any of the debts that you listed in Part 1, list the additional creditors here. If you do not have additional persons to be notified for any debts in Part 1, do not fill out or submit this page.

Debtor 1 **Cori DuVall**
First Name Middle Name Last Name

Case number (if known) **2-19-20179**

☐

Name, Number, Street, City, State & Zip Code
Appellate Division, 4th Dept
50 East Avenue, Suite 200
Rochester, NY 14604

On which line in Part 1 did you enter the creditor? **2.1**

Last 4 digits of account number ____

☐

Name, Number, Street, City, State & Zip Code
Holly Adams, Esq.
Ontario County Attorney
20 Ontario Street
Canandaigua, NY 14424

On which line in Part 1 did you enter the creditor? **2.1**

Last 4 digits of account number ____

☐

Name, Number, Street, City, State & Zip Code
Jason S. DiPonzio, Esq.
16 E. Main St, Suite 950
Rochester, NY 14614

On which line in Part 1 did you enter the creditor? **2.1**

Last 4 digits of account number ____

Fill in this information to identify your case:

Debtor 1 **Cori DuVall**
First Name Middle Name Last Name

Debtor 2
(Spouse if, filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: **WESTERN DISTRICT OF NEW YORK**

Case number **2-19-20179**
(if known)

☐ Check if this is an amended filing

Official Form 106E/F**Schedule E/F: Creditors Who Have Unsecured Claims****12/15**

Be as complete and accurate as possible. Use Part 1 for creditors with PRIORITY claims and Part 2 for creditors with NONPRIORITY claims. List the other party to any executory contracts or unexpired leases that could result in a claim. Also list executory contracts on Schedule A/B: Property (Official Form 106A/B) and on Schedule G: Executory Contracts and Unexpired Leases (Official Form 106G). Do not include any creditors with partially secured claims that are listed in Schedule D: Creditors Who Have Claims Secured by Property. If more space is needed, copy the Part you need, fill it out, number the entries in the boxes on the left. Attach the Continuation Page to this page. If you have no information to report in a Part, do not file that Part. On the top of any additional pages, write your name and case number (if known).

Part 1: List All of Your PRIORITY Unsecured Claims

1. Do any creditors have priority unsecured claims against you?

☒ No. Go to Part 2.

☐ Yes.

Part 2: List All of Your NONPRIORITY Unsecured Claims

3. Do any creditors have nonpriority unsecured claims against you?

☐ No. You have nothing to report in this part. Submit this form to the court with your other schedules.

☒ Yes.

4. List all of your nonpriority unsecured claims in the alphabetical order of the creditor who holds each claim. If a creditor has more than one nonpriority unsecured claim, list the creditor separately for each claim. For each claim listed, identify what type of claim it is. Do not list claims already included in Part 1. If more than one creditor holds a particular claim, list the other creditors in Part 3. If you have more than three nonpriority unsecured claims fill out the Continuation Page of Part 2.

		Total claim	
4.1	Canandaiuga Medical Group PC Nonpriority Creditor's Name 355 Parrish St Canandaigua, NY 14424 Number Street City State Zip Code Who incurred the debt? Check one. <input checked="" type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this claim is for a community debt Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	Last 4 digits of account number _____ When was the debt incurred? 08/2016 As of the date you file, the claim is: Check all that apply <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Type of NONPRIORITY unsecured claim: <input type="checkbox"/> Student loans <input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims <input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts <input checked="" type="checkbox"/> Other. Specify Medical Bills	\$411.00

4.2

Canandaiuga Medical Group PC

Nonpriority Creditor's Name

**355 Parrish St
Canandaigua, NY 14424**

Number Street City State Zip Code

Who incurred the debt? Check one.

- ☒ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another
☐ Check if this claim is for a community debt

Is the claim subject to offset?

- ☒ No
☐ Yes

Last 4 digits of account number

\$249.00**When was the debt incurred?** **04/2016****As of the date you file, the claim is:** Check all that apply

- ☐ Contingent
☐ Unliquidated
☐ Disputed

Type of NONPRIORITY unsecured claim:

- ☐ Student loans
☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims
☐ Debts to pension or profit-sharing plans, and other similar debts

☒ Other. Specify **Medical Bills**

4.3

F.F. Thompson Hospital

Nonpriority Creditor's Name

**350 Parrish St
Canandaigua, NY 14424**

Number Street City State Zip Code

Who incurred the debt? Check one.

- ☒ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another
☐ Check if this claim is for a community debt

Is the claim subject to offset?

- ☒ No
☐ Yes

Last 4 digits of account number

\$51.00**When was the debt incurred?** **08/2016****As of the date you file, the claim is:** Check all that apply

- ☐ Contingent
☐ Unliquidated
☐ Disputed

Type of NONPRIORITY unsecured claim:

- ☐ Student loans
☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims
☐ Debts to pension or profit-sharing plans, and other similar debts

☒ Other. Specify **Medical Bills**

4.4

Honeoye Family Practitce

Nonpriority Creditor's Name

**23 Ontario Street
Honeoye Falls, NY 14472**

Number Street City State Zip Code

Who incurred the debt? Check one.

- ☒ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another
☐ Check if this claim is for a community debt

Is the claim subject to offset?

- ☒ No
☐ Yes

Last 4 digits of account number

\$2,000.00**When was the debt incurred?****As of the date you file, the claim is:** Check all that apply

- ☐ Contingent
☐ Unliquidated
☐ Disputed

Type of NONPRIORITY unsecured claim:

- ☐ Student loans
☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims
☐ Debts to pension or profit-sharing plans, and other similar debts

☒ Other. Specify **Medical Bills**

4.5

U of R Medical Facility Group/OP

Nonpriority Creditor's Name

c/o EOS CCA**300 Canal View Boulevard****Suite 130****Rochester, NY 14623**

Number Street City State Zip Code

Who incurred the debt? Check one.

☒ Debtor 1 only☐ Debtor 2 only☐ Debtor 1 and Debtor 2 only☐ At least one of the debtors and another☐ Check if this claim is for a community debt

Is the claim subject to offset?

☒ No☐ Yes

Last 4 digits of account number

\$91.00

When was the debt incurred?

2/2013

As of the date you file, the claim is: Check all that apply

☐ Contingent☐ Unliquidated☐ Disputed

Type of NONPRIORITY unsecured claim:

☐ Student loans☐ Obligations arising out of a separation agreement or divorce that you did not report as priority claims☐ Debts to pension or profit-sharing plans, and other similar debts☒ Other. Specify **Medical Bills****Part 3: List Others to Be Notified About a Debt That You Already Listed**

5. Use this page only if you have others to be notified about your bankruptcy, for a debt that you already listed in Parts 1 or 2. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the original creditor in Parts 1 or 2, then list the collection agency here. Similarly, if you have more than one creditor for any of the debts that you listed in Parts 1 or 2, list the additional creditors here. If you do not have additional persons to be notified for any debts in Parts 1 or 2, do not fill out or submit this page.

Name and Address

CBJ Credit Recovery**Attn: Bankruptcy Dept****PO Box 1132****Jamestown, NY 14702**

On which entry in Part 1 or Part 2 did you list the original creditor?

Line **4.1** of (Check one):☐ Part 1: Creditors with Priority Unsecured Claims☒ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number

Name and Address

CBJ Credit Recovery**Attn: Bankruptcy Dept****PO Box 1132****Jamestown, NY 14702**

On which entry in Part 1 or Part 2 did you list the original creditor?

Line **4.2** of (Check one):☐ Part 1: Creditors with Priority Unsecured Claims☒ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number

Name and Address

Eos Cca**Attn: Bankruptcy****PO Box 329****Norwell, MA 02061**

On which entry in Part 1 or Part 2 did you list the original creditor?

Line **4.5** of (Check one):☐ Part 1: Creditors with Priority Unsecured Claims☒ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number

Name and Address

EOS CCA**Attn: Bankruptcy****PO Box 329****Norwell, MA 02061**

On which entry in Part 1 or Part 2 did you list the original creditor?

Line **4.3** of (Check one):☐ Part 1: Creditors with Priority Unsecured Claims☒ Part 2: Creditors with Nonpriority Unsecured Claims

Last 4 digits of account number

9457**Part 4: Add the Amounts for Each Type of Unsecured Claim**

6. Total the amounts of certain types of unsecured claims. This information is for statistical reporting purposes only. 28 U.S.C. §159. Add the amounts for each type of unsecured claim.

Total claims from Part 1			Total Claim	
	6a.	Domestic support obligations	6a.	\$ 0.00
	6b.	Taxes and certain other debts you owe the government	6b.	\$ 0.00
	6c.	Claims for death or personal injury while you were intoxicated	6c.	\$ 0.00
	6d.	Other. Add all other priority unsecured claims. Write that amount here.	6d.	\$ 0.00

Debtor 1 **Cori DuVall**

Case number (if known) **2-19-20179**

Total claims from Part 2	6e. Total Priority. Add lines 6a through 6d.	6e.	\$ <u>0.00</u>
	6f. Student loans	6f.	\$ <u>0.00</u>
	6g. Obligations arising out of a separation agreement or divorce that you did not report as priority claims	6g.	\$ <u>0.00</u>
	6h. Debts to pension or profit-sharing plans, and other similar debts	6h.	\$ <u>0.00</u>
	6i. Other. Add all other nonpriority unsecured claims. Write that amount here.	6i.	\$ <u>2,802.00</u>
	6j. Total Nonpriority. Add lines 6f through 6i.	6j.	\$ <u>2,802.00</u>

Fill in this information to identify your case:

Debtor 1 **Cori DuVall**
First Name Middle Name Last Name

Debtor 2
(Spouse if, filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: **WESTERN DISTRICT OF NEW YORK**

Case number **2-19-20179**
(if known)

☐ Check if this is an amended filing

Official Form 106G**Schedule G: Executory Contracts and Unexpired Leases****12/15**

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the additional page, fill it out, number the entries, and attach it to this page. On the top of any additional pages, write your name and case number (if known).

1. Do you have any executory contracts or unexpired leases?

- ☒ No. Check this box and file this form with the court with your other schedules. You have nothing else to report on this form.
- ☐ Yes. Fill in all of the information below even if the contacts of leases are listed on *Schedule A/B:Property* (Official Form 106 A/B).

2. List separately each person or company with whom you have the contract or lease. Then state what each contract or lease is for (for example, rent, vehicle lease, cell phone). See the instructions for this form in the instruction booklet for more examples of executory contracts and unexpired leases.

Person or company with whom you have the contract or lease Name, Number, Street, City, State and ZIP Code	State what the contract or lease is for
2.1 Name Number Street City State ZIP Code	
2.2 Name Number Street City State ZIP Code	
2.3 Name Number Street City State ZIP Code	
2.4 Name Number Street City State ZIP Code	
2.5 Name Number Street City State ZIP Code	

Fill in this information to identify your case:

Debtor 1	Cori DuVall		
	First Name	Middle Name	Last Name
Debtor 2			
(Spouse if, filing)	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:	WESTERN DISTRICT OF NEW YORK		
Case number	2-19-20179		
(if known)			

☐ Check if this is an amended filing

Official Form 106H Schedule H: Your Codebtors

12/15

Codebtors are people or entities who are also liable for any debts you may have. Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the Additional Page, fill it out, and number the entries in the boxes on the left. Attach the Additional Page to this page. On the top of any Additional Pages, write your name and case number (if known). Answer every question.

1. Do you have any codebtors? (If you are filing a joint case, do not list either spouse as a codebtor.)

- ☒ No
☐ Yes

2. Within the last 8 years, have you lived in a community property state or territory? (Community property states and territories include Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, and Wisconsin.)

- ☒ No. Go to line 3.
☐ Yes. Did your spouse, former spouse, or legal equivalent live with you at the time?

3. In Column 1, list all of your codebtors. Do not include your spouse as a codebtor if your spouse is filing with you. List the person shown in line 2 again as a codebtor only if that person is a guarantor or cosigner. Make sure you have listed the creditor on Schedule D (Official Form 106D), Schedule E/F (Official Form 106E/F), or Schedule G (Official Form 106G). Use Schedule D, Schedule E/F, or Schedule G to fill out Column 2.

Column 1: Your codebtor

Name, Number, Street, City, State and ZIP Code

Column 2: The creditor to whom you owe the debt

Check all schedules that apply:

3.1

Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

- ☐ Schedule D, line _____
☐ Schedule E/F, line _____
☐ Schedule G, line _____

3.2

Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

- ☐ Schedule D, line _____
☐ Schedule E/F, line _____
☐ Schedule G, line _____

Fill in this information to identify your case:

Debtor 1 Cori DuVall

Debtor 2
(Spouse, if filing)

United States Bankruptcy Court for the: WESTERN DISTRICT OF NEW YORK

Case number 2-19-20179
(If known)

Check if this is:

- ☐ An amended filing
☐ A supplement showing postpetition chapter 13 income as of the following date:

MM / DD / YYYY

Official Form 106I

Schedule I: Your Income

12/15

Be as complete and accurate as possible. If two married people are filing together (Debtor 1 and Debtor 2), both are equally responsible for supplying correct information. If you are married and not filing jointly, and your spouse is living with you, include information about your spouse. If you are separated and your spouse is not filing with you, do not include information about your spouse. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Employment

1. Fill in your employment information.

If you have more than one job, attach a separate page with information about additional employers.

Include part-time, seasonal, or self-employed work.

Occupation may include student or homemaker, if it applies.

Employment status

Occupation

Employer's name

Employer's address

How long employed there?

Debtor 1

- ☒ Employed
☐ Not employed

Debtor 2 or non-filing spouse

- ☐ Employed
☐ Not employed

Part 2: Give Details About Monthly Income

Estimate monthly income as of the date you file this form. If you have nothing to report for any line, write \$0 in the space. Include your non-filing spouse unless you are separated.

If you or your non-filing spouse have more than one employer, combine the information for all employers for that person on the lines below. If you need more space, attach a separate sheet to this form.

	For Debtor 1	For Debtor 2 or non-filing spouse
2. List monthly gross wages, salary, and commissions (before all payroll deductions). If not paid monthly, calculate what the monthly wage would be.	2. \$ 0.00	\$ N/A
3. Estimate and list monthly overtime pay.	3. +\$ 0.00	+\$ N/A
4. Calculate gross income. Add line 2 + line 3.	4. \$ 0.00	\$ N/A

	For Debtor 1	For Debtor 2 or non-filing spouse
Copy line 4 here	4. \$ 0.00	\$ N/A
5. List all payroll deductions:		
5a. Tax, Medicare, and Social Security deductions	5a. \$ 0.00	\$ N/A
5b. Mandatory contributions for retirement plans	5b. \$ 0.00	\$ N/A
5c. Voluntary contributions for retirement plans	5c. \$ 0.00	\$ N/A
5d. Required repayments of retirement fund loans	5d. \$ 0.00	\$ N/A
5e. Insurance	5e. \$ 0.00	\$ N/A
5f. Domestic support obligations	5f. \$ 0.00	\$ N/A
5g. Union dues	5g. \$ 0.00	\$ N/A
5h. Other deductions. Specify: _____	5h.+ \$ 0.00	+ \$ N/A
6. Add the payroll deductions. Add lines 5a+5b+5c+5d+5e+5f+5g+5h.	6. \$ 0.00	\$ N/A
7. Calculate total monthly take-home pay. Subtract line 6 from line 4.	7. \$ 0.00	\$ N/A
8. List all other income regularly received:		
8a. Net income from rental property and from operating a business, profession, or farm Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.	8a. \$ 0.00	\$ N/A
8b. Interest and dividends	8b. \$ 0.00	\$ N/A
8c. Family support payments that you, a non-filing spouse, or a dependent regularly receive Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.	8c. \$ 0.00	\$ N/A
8d. Unemployment compensation	8d. \$ 0.00	\$ N/A
8e. Social Security	8e. \$ 1,891.50	\$ N/A
8f. Other government assistance that you regularly receive Include cash assistance and the value (if known) of any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies. Specify: _____	8f. \$ 0.00	\$ N/A
8g. Pension or retirement income	8g. \$ 0.00	\$ N/A
8h. Other monthly income. Specify: _____	8h.+ \$ 0.00	+ \$ N/A
9. Add all other income. Add lines 8a+8b+8c+8d+8e+8f+8g+8h.	9. \$ 1,891.50	\$ N/A
10. Calculate monthly income. Add line 7 + line 9. Add the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.	10. \$ 1,891.50 + \$ N/A	= \$ 1,891.50
11. State all other regular contributions to the expenses that you list in Schedule J. Include contributions from an unmarried partner, members of your household, your dependents, your roommates, and other friends or relatives. Do not include any amounts already included in lines 2-10 or amounts that are not available to pay expenses listed in Schedule J. Specify: _____		
	11. +\$ 0.00	
12. Add the amount in the last column of line 10 to the amount in line 11. The result is the combined monthly income. Write that amount on the Summary of Schedules and Statistical Summary of Certain Liabilities and Related Data, if it applies	12. \$ 1,891.50	Combined monthly income
13. Do you expect an increase or decrease within the year after you file this form? <input type="checkbox"/> No. <input checked="" type="checkbox"/> Yes. Explain: In January 2020, annuity income will restart at approximately \$1100.00 a month		

Fill in this information to identify your case:

Debtor 1 Cori DuVall

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: WESTERN DISTRICT OF NEW YORK

Case number 2-19-20179
(If known)

Check if this is:

- ☐ An amended filing
- ☐ A supplement showing postpetition chapter 13 expenses as of the following date:

MM / DD / YYYY

Official Form 106J

Schedule J: Your Expenses

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach another sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Your Household

1. Is this a joint case?

☒ No. Go to line 2.

☐ Yes. Does Debtor 2 live in a separate household?

☐ No

☐ Yes. Debtor 2 must file Official Form 106J-2, *Expenses for Separate Household* of Debtor 2.

2. Do you have dependents? ☒ No

Do not list Debtor 1 and Debtor 2.

☐ Yes. Fill out this information for each dependent.....

Dependent's relationship to Debtor 1 or Debtor 2

Dependent's age

Does dependent live with you?

Do not state the dependents names.

- ☐ No
☐ Yes
☐ No
☐ Yes
☐ No
☐ Yes
☐ No
☐ Yes

3. Do your expenses include expenses of people other than yourself and your dependents? ☒ No
☐ Yes

Part 2: Estimate Your Ongoing Monthly Expenses

Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case to report expenses as of a date after the bankruptcy is filed. If this is a supplemental *Schedule J*, check the box at the top of the form and fill in the applicable date.

Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on *Schedule I: Your Income* (Official Form 106I.)

Your expenses

4. The rental or home ownership expenses for your residence. Include first mortgage payments and any rent for the ground or lot.

4. \$ 800.00

If not included in line 4:

4a. Real estate taxes

4a. \$ 0.00

4b. Property, homeowner's, or renter's insurance

4b. \$ 0.00

4c. Home maintenance, repair, and upkeep expenses

4c. \$ 0.00

4d. Homeowner's association or condominium dues

4d. \$ 0.00

5. Additional mortgage payments for your residence, such as home equity loans

5. \$ 0.00

6. Utilities:	
6a. Electricity, heat, natural gas	6a. \$ <u>0.00</u>
6b. Water, sewer, garbage collection	6b. \$ <u>0.00</u>
6c. Telephone, cell phone, Internet, satellite, and cable services	6c. \$ <u>50.00</u>
6d. Other. Specify: _____	6d. \$ <u>0.00</u>
7. Food and housekeeping supplies	7. \$ <u>400.00</u>
8. Childcare and children's education costs	8. \$ <u>50.00</u>
9. Clothing, laundry, and dry cleaning	9. \$ <u>110.00</u>
10. Personal care products and services	10. \$ <u>50.00</u>
11. Medical and dental expenses	11. \$ <u>30.00</u>
12. Transportation. Include gas, maintenance, bus or train fare. Do not include car payments.	12. \$ <u>80.00</u>
13. Entertainment, clubs, recreation, newspapers, magazines, and books	13. \$ <u>0.00</u>
14. Charitable contributions and religious donations	14. \$ <u>0.00</u>
15. Insurance. Do not include insurance deducted from your pay or included in lines 4 or 20.	
15a. Life insurance	15a. \$ <u>0.00</u>
15b. Health insurance	15b. \$ <u>135.50</u>
15c. Vehicle insurance	15c. \$ <u>0.00</u>
15d. Other insurance. Specify: _____	15d. \$ <u>0.00</u>
16. Taxes. Do not include taxes deducted from your pay or included in lines 4 or 20. Specify: _____	16. \$ <u>0.00</u>
17. Installment or lease payments:	
17a. Car payments for Vehicle 1	17a. \$ <u>0.00</u>
17b. Car payments for Vehicle 2	17b. \$ <u>0.00</u>
17c. Other. Specify: _____	17c. \$ <u>0.00</u>
17d. Other. Specify: _____	17d. \$ <u>0.00</u>
18. Your payments of alimony, maintenance, and support that you did not report as deducted from your pay on line 5, Schedule I, Your Income (Official Form 106I).	18. \$ <u>0.00</u>
19. Other payments you make to support others who do not live with you. Specify: _____	\$ <u>0.00</u>
20. Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income.	
20a. Mortgages on other property	20a. \$ <u>0.00</u>
20b. Real estate taxes	20b. \$ <u>0.00</u>
20c. Property, homeowner's, or renter's insurance	20c. \$ <u>0.00</u>
20d. Maintenance, repair, and upkeep expenses	20d. \$ <u>0.00</u>
20e. Homeowner's association or condominium dues	20e. \$ <u>0.00</u>
21. Other: Specify: <u>Pet food and Care</u>	21. +\$ <u>50.00</u>
Car Maintenance and Care	+\$ <u>50.00</u>
22. Calculate your monthly expenses	
22a. Add lines 4 through 21.	\$ <u>1,805.50</u>
22b. Copy line 22 (monthly expenses for Debtor 2), if any, from Official Form 106J-2	\$ _____
22c. Add line 22a and 22b. The result is your monthly expenses.	\$ <u>1,805.50</u>
23. Calculate your monthly net income.	
23a. Copy line 12 (your combined monthly income) from Schedule I.	23a. \$ <u>1,891.50</u>
23b. Copy your monthly expenses from line 22c above.	23b. -\$ <u>1,805.50</u>
23c. Subtract your monthly expenses from your monthly income. The result is your <i>monthly net income</i> .	23c. \$ <u>86.00</u>
24. Do you expect an increase or decrease in your expenses within the year after you file this form? For example, do you expect to finish paying for your car loan within the year or do you expect your mortgage payment to increase or decrease because of a modification to the terms of your mortgage?	
<input checked="" type="checkbox"/> No.	
<input type="checkbox"/> Yes.	Explain here: _____

Fill in this information to identify your case:

Debtor 1 Cori DuVall
First Name Middle Name Last Name

Debtor 2
(Spouse if, filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: WESTERN DISTRICT OF NEW YORK

Case number 2-19-20179
(if known)

☐ Check if this is an amended filing

Official Form 106Dec

Declaration About an Individual Debtor's Schedules

12/15

If two married people are filing together, both are equally responsible for supplying correct information.

You must file this form whenever you file bankruptcy schedules or amended schedules. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Sign Below

Did you pay or agree to pay someone who is NOT an attorney to help you fill out bankruptcy forms?

☒ No

☐ Yes. Name of person _____ Attach Bankruptcy Petition Preparer's Notice, Declaration, and Signature (Official Form 119)

Under penalty of perjury, I declare that I have read the summary and schedules filed with this declaration and that they are true and correct.

X /s/ Cori DuVall
Cori DuVall
Signature of Debtor 1

X _____
Signature of Debtor 2

Date March 12, 2019

Date _____

Fill in this information to identify your case:

Debtor 1 **Cori DuVall**
First Name Middle Name Last Name

Debtor 2
(Spouse if, filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: **WESTERN DISTRICT OF NEW YORK**

Case number **2-19-20179**
(if known)

☐ Check if this is an amended filing

Official Form 107**Statement of Financial Affairs for Individuals Filing for Bankruptcy**

4/16

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Give Details About Your Marital Status and Where You Lived Before**1. What is your current marital status?**

- ☒ Married
☐ Not married

2. During the last 3 years, have you lived anywhere other than where you live now?

- ☐ No
☒ Yes. List all of the places you lived in the last 3 years. Do not include where you live now.

Debtor 1 Prior Address:

**6797 Jenks Road
Canandaigua, NY 14424**

**Dates Debtor 1
lived there**

From-To:

Debtor 2 Prior Address:

☐ Same as Debtor 1

**Dates Debtor 2
lived there**

☐ Same as Debtor 1
From-To:

3. Within the last 8 years, did you ever live with a spouse or legal equivalent in a community property state or territory? (*Community property states and territories include Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington and Wisconsin.*)

- ☒ No
☐ Yes. Make sure you fill out *Schedule H: Your Codebtors* (Official Form 106H).

Part 2 Explain the Sources of Your Income**4. Did you have any income from employment or from operating a business during this year or the two previous calendar years?**

Fill in the total amount of income you received from all jobs and all businesses, including part-time activities. If you are filing a joint case and you have income that you receive together, list it only once under Debtor 1.

- ☒ No
☐ Yes. Fill in the details.

Debtor 1

Sources of income
Check all that apply.

Gross income
(before deductions and exclusions)

Debtor 2

Sources of income
Check all that apply.

Gross income
(before deductions and exclusions)

5. Did you receive any other income during this year or the two previous calendar years?

Include income regardless of whether that income is taxable. Examples of *other income* are alimony; child support; Social Security, unemployment, and other public benefit payments; pensions; rental income; interest; dividends; money collected from lawsuits; royalties; and gambling and lottery winnings. If you are filing a joint case and you have income that you received together, list it only once under Debtor 1.

List each source and the gross income from each source separately. Do not include income that you listed in line 4.

☐ No

☒ Yes. Fill in the details.

	Debtor 1 Sources of income Describe below.	Gross income from each source (before deductions and exclusions)	Debtor 2 Sources of income Describe below.	Gross income (before deductions and exclusions)
From January 1 of current year until the date you filed for bankruptcy:	Social Security Disability	\$5,674.50		
	Annuity	\$2,116.00		
For last calendar year: (January 1 to December 31, 2018)	Social Security Disability	\$21,942.00		
	Annuity	\$25,392.00		
	Annuity - lump sum withdrawal \$134,000.00 - November	\$134,000.00		
For the calendar year before that: (January 1 to December 31, 2017)	Social Security Disability	\$21,942.00		
	Annuity	\$24,772.00		

Part 3: List Certain Payments You Made Before You Filed for Bankruptcy**6. Are either Debtor 1's or Debtor 2's debts primarily consumer debts?**

☐ No. **Neither Debtor 1 nor Debtor 2 has primarily consumer debts.** *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."

During the 90 days before you filed for bankruptcy, did you pay any creditor a total of \$6,425* or more?

☐ No. Go to line 7.

☐ Yes List below each creditor to whom you paid a total of \$6,425* or more in one or more payments and the total amount you paid that creditor. Do not include payments for domestic support obligations, such as child support and alimony. Also, do not include payments to an attorney for this bankruptcy case.

* Subject to adjustment on 4/01/19 and every 3 years after that for cases filed on or after the date of adjustment.

☒ Yes. **Debtor 1 or Debtor 2 or both have primarily consumer debts.**

During the 90 days before you filed for bankruptcy, did you pay any creditor a total of \$600 or more?

☒ No. Go to line 7.

☐ Yes List below each creditor to whom you paid a total of \$600 or more and the total amount you paid that creditor. Do not include payments for domestic support obligations, such as child support and alimony. Also, do not include payments to an attorney for this bankruptcy case.

Creditor's Name and Address	Dates of payment	Total amount paid	Amount you still owe	Was this payment for ...
-----------------------------	------------------	-------------------	----------------------	--------------------------

7. Within 1 year before you filed for bankruptcy, did you make a payment on a debt you owed anyone who was an insider?

Insiders include your relatives; any general partners; relatives of any general partners; partnerships of which you are a general partner; corporations of which you are an officer, director, person in control, or owner of 20% or more of their voting securities; and any managing agent, including one for a business you operate as a sole proprietor. 11 U.S.C. § 101. Include payments for domestic support obligations, such as child support and alimony.

- ☒ No
☐ Yes. List all payments to an insider.

Insider's Name and Address	Dates of payment	Total amount paid	Amount you still owe	Reason for this payment
----------------------------	------------------	-------------------	----------------------	-------------------------

8. Within 1 year before you filed for bankruptcy, did you make any payments or transfer any property on account of a debt that benefited an insider?

Include payments on debts guaranteed or cosigned by an insider.

- ☒ No
☐ Yes. List all payments to an insider

Insider's Name and Address	Dates of payment	Total amount paid	Amount you still owe	Reason for this payment Include creditor's name
----------------------------	------------------	-------------------	----------------------	--

Part 4: Identify Legal Actions, Repossessions, and Foreclosures**9. Within 1 year before you filed for bankruptcy, were you a party in any lawsuit, court action, or administrative proceeding?**

List all such matters, including personal injury cases, small claims actions, divorces, collection suits, paternity actions, support or custody modifications, and contract disputes.

- ☐ No
☒ Yes. Fill in the details.

Case title Case number	Nature of the case	Court or agency	Status of the case
In the Matter of the Foreclosure of Tax Liens by Proceeding in rem pursuant to article eleven of the NYS Real Property Tax Law by the County of Ontario v. Cori DuVall 113262; CA 18-00635	Tax Foreclosure	Appellate Division, Fourth Department 50 East Ave, Suite 200 Rochester, NY 14604	<input type="checkbox"/> Pending <input checked="" type="checkbox"/> On appeal <input type="checkbox"/> Concluded Motion to Reargue submitted on 2/28/2019

10. Within 1 year before you filed for bankruptcy, was any of your property repossessed, foreclosed, garnished, attached, seized, or levied?

Check all that apply and fill in the details below.

- ☐ No. Go to line 11.
☒ Yes. Fill in the information below.

Creditor Name and Address	Describe the Property Explain what happened	Date	Value of the property
Ontario County Treasurer/Dept. 20 Ontario Street Canandaigua, NY 14424	9097 County Road 14, Honeoye Falls, NY <input type="checkbox"/> Property was repossessed. <input checked="" type="checkbox"/> Property was foreclosed. <input type="checkbox"/> Property was garnished. <input type="checkbox"/> Property was attached, seized or levied.	3/2/2017	\$186,000.00

11. Within 90 days before you filed for bankruptcy, did any creditor, including a bank or financial institution, set off any amounts from your accounts or refuse to make a payment because you owed a debt?

- ☒ No
☐ Yes. Fill in the details.

Creditor Name and Address	Describe the action the creditor took	Date action was taken	Amount
---------------------------	---------------------------------------	-----------------------	--------

12. Within 1 year before you filed for bankruptcy, was any of your property in the possession of an assignee for the benefit of creditors, a court-appointed receiver, a custodian, or another official?

- ☒ No
☐ Yes

Part 5: List Certain Gifts and Contributions

13. Within 2 years before you filed for bankruptcy, did you give any gifts with a total value of more than \$600 per person?

- ☒ No
☐ Yes. Fill in the details for each gift.

Gifts with a total value of more than \$600 per person	Describe the gifts	Dates you gave the gifts	Value
Person to Whom You Gave the Gift and Address:			

14. Within 2 years before you filed for bankruptcy, did you give any gifts or contributions with a total value of more than \$600 to any charity?

- ☒ No
☐ Yes. Fill in the details for each gift or contribution.

Gifts or contributions to charities that total more than \$600 Charity's Name Address (Number, Street, City, State and ZIP Code)	Describe what you contributed	Dates you contributed	Value

Part 6: List Certain Losses

15. Within 1 year before you filed for bankruptcy or since you filed for bankruptcy, did you lose anything because of theft, fire, other disaster, or gambling?

- ☒ No
☐ Yes. Fill in the details.

Describe the property you lost and how the loss occurred	Describe any insurance coverage for the loss Include the amount that insurance has paid. List pending insurance claims on line 33 of <i>Schedule A/B: Property</i> .	Date of your loss	Value of property lost

Part 7: List Certain Payments or Transfers

16. Within 1 year before you filed for bankruptcy, did you or anyone else acting on your behalf pay or transfer any property to anyone you consulted about seeking bankruptcy or preparing a bankruptcy petition?

Include any attorneys, bankruptcy petition preparers, or credit counseling agencies for services required in your bankruptcy.

- ☐ No
☒ Yes. Fill in the details.

Person Who Was Paid Address Email or website address Person Who Made the Payment, if Not You	Description and value of any property transferred	Date payment or transfer was made	Amount of payment
Dollar Learning Foundation, INC www.dollarbk.org	Money	February 27, 2019	\$14.95

17. Within 1 year before you filed for bankruptcy, did you or anyone else acting on your behalf pay or transfer any property to anyone who promised to help you deal with your creditors or to make payments to your creditors?

Do not include any payment or transfer that you listed on line 16.

- ☒ No
☐ Yes. Fill in the details.

Person Who Was Paid Address	Description and value of any property transferred	Date payment or transfer was made	Amount of payment

18. Within 2 years before you filed for bankruptcy, did you sell, trade, or otherwise transfer any property to anyone, other than property

transferred in the ordinary course of your business or financial affairs?

Include both outright transfers and transfers made as security (such as the granting of a security interest or mortgage on your property). Do not include gifts and transfers that you have already listed on this statement.

☐ No

☒ Yes. Fill in the details.

Person Who Received Transfer Address	Description and value of property transferred	Describe any property or payments received or debts paid in exchange	Date transfer was made
Person's relationship to you Treasurer/Dept. 20 Ontario Street Canandaigua, NY 14424	9097 County Road 14, Honeoye Falls, NY \$186,000.00	\$21,000.00 of Real Property Taxes Owed. Transfer pursuant to a tax foreclosure via a default judgment. No deed has been entered transferring property to a new owner.	3/2/2017

19. Within 10 years before you filed for bankruptcy, did you transfer any property to a self-settled trust or similar device of which you are a beneficiary? (These are often called *asset-protection devices*.)

☒ No

☐ Yes. Fill in the details.

Name of trust	Description and value of the property transferred	Date Transfer was made
---------------	---	---------------------------

Part 8: List of Certain Financial Accounts, Instruments, Safe Deposit Boxes, and Storage Units

20. Within 1 year before you filed for bankruptcy, were any financial accounts or instruments held in your name, or for your benefit, closed, sold, moved, or transferred?
Include checking, savings, money market, or other financial accounts; certificates of deposit; shares in banks, credit unions, brokerage houses, pension funds, cooperatives, associations, and other financial institutions.

☒ No

☐ Yes. Fill in the details.

Name of Financial Institution and Address (Number, Street, City, State and ZIP Code)	Last 4 digits of account number	Type of account or instrument	Date account was closed, sold, moved, or transferred	Last balance before closing or transfer
--	------------------------------------	----------------------------------	---	---

21. Do you now have, or did you have within 1 year before you filed for bankruptcy, any safe deposit box or other depository for securities, cash, or other valuables?

☒ No

☐ Yes. Fill in the details.

Name of Financial Institution Address (Number, Street, City, State and ZIP Code)	Who else had access to it? Address (Number, Street, City, State and ZIP Code)	Describe the contents	Do you still have it?
---	---	-----------------------	--------------------------

22. Have you stored property in a storage unit or place other than your home within 1 year before you filed for bankruptcy?

☒ No

☐ Yes. Fill in the details.

Name of Storage Facility Address (Number, Street, City, State and ZIP Code)	Who else has or had access to it? Address (Number, Street, City, State and ZIP Code)	Describe the contents	Do you still have it?
--	---	-----------------------	--------------------------

Part 9: Identify Property You Hold or Control for Someone Else

23. Do you hold or control any property that someone else owns? Include any property you borrowed from, are storing for, or hold in trust for someone.

- ☐ No
☐ Yes. Fill in the details.

Owner's Name Address (Number, Street, City, State and ZIP Code)	Where is the property? (Number, Street, City, State and ZIP Code)	Describe the property	Value
--	--	-----------------------	-------

Part 10: Give Details About Environmental Information

For the purpose of Part 10, the following definitions apply:

- ☐ **Environmental law** means any federal, state, or local statute or regulation concerning pollution, contamination, releases of hazardous or toxic substances, wastes, or material into the air, land, soil, surface water, groundwater, or other medium, including statutes or regulations controlling the cleanup of these substances, wastes, or material.
- ☐ **Site** means any location, facility, or property as defined under any environmental law, whether you now own, operate, or utilize it or used to own, operate, or utilize it, including disposal sites.
- ☐ **Hazardous material** means anything an environmental law defines as a hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, contaminant, or similar term.

Report all notices, releases, and proceedings that you know about, regardless of when they occurred.

24. Has any governmental unit notified you that you may be liable or potentially liable under or in violation of an environmental law?

- ☐ No
☐ Yes. Fill in the details.

Name of site Address (Number, Street, City, State and ZIP Code)	Governmental unit Address (Number, Street, City, State and ZIP Code)	Environmental law, if you know it	Date of notice
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25. Have you notified any governmental unit of any release of hazardous material?

- ☐ No
☐ Yes. Fill in the details.

Name of site Address (Number, Street, City, State and ZIP Code)	Governmental unit Address (Number, Street, City, State and ZIP Code)	Environmental law, if you know it	Date of notice
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26. Have you been a party in any judicial or administrative proceeding under any environmental law? Include settlements and orders.

- ☐ No
☐ Yes. Fill in the details.

Case Title Case Number	Court or agency Name Address (Number, Street, City, State and ZIP Code)	Nature of the case	Status of the case
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Part 11: Give Details About Your Business or Connections to Any Business

27. Within 4 years before you filed for bankruptcy, did you own a business or have any of the following connections to any business?

- ☐ A sole proprietor or self-employed in a trade, profession, or other activity, either full-time or part-time
- ☐ A member of a limited liability company (LLC) or limited liability partnership (LLP)
- ☐ A partner in a partnership
- ☐ An officer, director, or managing executive of a corporation
- ☐ An owner of at least 5% of the voting or equity securities of a corporation

☒ **No. None of the above applies. Go to Part 12.**

☐ **Yes. Check all that apply above and fill in the details below for each business.**

Business Name

Address

(Number, Street, City, State and ZIP Code)

Describe the nature of the business

Name of accountant or bookkeeper

Employer Identification number

Do not include Social Security number or ITIN.

Dates business existed

28. **Within 2 years before you filed for bankruptcy, did you give a financial statement to anyone about your business? Include all financial institutions, creditors, or other parties.**

☒ **No**

☐ **Yes. Fill in the details below.**

Name

Address

(Number, Street, City, State and ZIP Code)

Date Issued

Part 12: Sign Below

I have read the answers on this *Statement of Financial Affairs* and any attachments, and I declare under penalty of perjury that the answers are true and correct. I understand that making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

/s/ Cori DuVall**Cori DuVall**

Signature of Debtor 1

Signature of Debtor 2Date March 12, 2019

Date _____

Did you attach additional pages to *Your Statement of Financial Affairs for Individuals Filing for Bankruptcy* (Official Form 107)?☒ No☐ Yes

Did you pay or agree to pay someone who is not an attorney to help you fill out bankruptcy forms?

☒ No☐ Yes. Name of Person _____. Attach the *Bankruptcy Petition Preparer's Notice, Declaration, and Signature* (Official Form 119).

Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)

This notice is for you if:

You are an individual filing for bankruptcy,
and

Your debts are primarily consumer debts.
Consumer debts are defined in 11 U.S.C.
§ 101(8) as "incurred by an individual
primarily for a personal, family, or
household purpose."

The types of bankruptcy that are available to individuals

Individuals who meet the qualifications may file under
one of four different chapters of Bankruptcy Code:

Chapter 7 - Liquidation

Chapter 11 - Reorganization

Chapter 12 - Voluntary repayment plan
for family farmers or
fishermen

Chapter 13 - Voluntary repayment plan
for individuals with regular
income

**You should have an attorney review your
decision to file for bankruptcy and the choice of
chapter.**

Chapter 7: Liquidation

\$245 filing fee

\$75 administrative fee

+ \$15 trustee surcharge

\$335 total fee

Chapter 7 is for individuals who have financial difficulty preventing them from paying their debts and who are willing to allow their nonexempt property to be used to pay their creditors. The primary purpose of filing under chapter 7 is to have your debts discharged. The bankruptcy discharge relieves you after bankruptcy from having to pay many of your pre-bankruptcy debts. Exceptions exist for particular debts, and liens on property may still be enforced after discharge. For example, a creditor may have the right to foreclose a home mortgage or repossess an automobile.

However, if the court finds that you have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge.

You should know that even if you file chapter 7 and you receive a discharge, some debts are not discharged under the law. Therefore, you may still be responsible to pay:

most taxes;

most student loans;

domestic support and property settlement obligations;

most fines, penalties, forfeitures, and criminal restitution obligations; and

certain debts that are not listed in your bankruptcy papers.

You may also be required to pay debts arising from:

fraud or theft;

fraud or defalcation while acting in breach of fiduciary capacity;

intentional injuries that you inflicted; and

death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs.

If your debts are primarily consumer debts, the court can dismiss your chapter 7 case if it finds that you have enough income to repay creditors a certain amount. You must file *Chapter 7 Statement of Your Current Monthly Income* (Official Form 122A-1) if you are an individual filing for bankruptcy under chapter 7. This form will determine your current monthly income and compare whether your income is more than the median income that applies in your state.

If your income is not above the median for your state, you will not have to complete the other chapter 7 form, the *Chapter 7 Means Test Calculation* (Official Form 122A-2).

If your income is above the median for your state, you must file a second form—the *Chapter 7 Means Test Calculation* (Official Form 122A-2). The calculations on the form—sometimes called the *Means Test*—deduct from your income living expenses and payments on certain debts to determine any amount available to pay unsecured creditors. If

your income is more than the median income for your state of residence and family size, depending on the results of the *Means Test*, the U.S. trustee, bankruptcy administrator, or creditors can file a motion to dismiss your case under § 707(b) of the Bankruptcy Code. If a motion is filed, the court will decide if your case should be dismissed. To avoid dismissal, you may choose to proceed under another chapter of the Bankruptcy Code.

If you are an individual filing for chapter 7 bankruptcy, the trustee may sell your property to pay your debts, subject to your right to exempt the property or a portion of the proceeds from the sale of the property. The property, and the proceeds from property that your bankruptcy trustee sells or liquidates that you are entitled to, is called *exempt property*. Exemptions may enable you to keep your home, a car, clothing, and household items or to receive some of the proceeds if the property is sold.

Exemptions are not automatic. To exempt property, you must list it on *Schedule C: The Property You Claim as Exempt* (Official Form 106C). If you do not list the property, the trustee may sell it and pay all of the proceeds to your creditors.

Chapter 11: Reorganization

	\$1,167	filing fee
+	\$550	administrative fee
	\$1,717	total fee

Chapter 11 is often used for reorganizing a business, but is also available to individuals. The provisions of chapter 11 are too complicated to summarize briefly.

Read These Important Warnings

Because bankruptcy can have serious long-term financial and legal consequences, including loss of your property, you should hire an attorney and carefully consider all of your options before you file. Only an attorney can give you legal advice about what can happen as a result of filing for bankruptcy and what your options are. If you do file for bankruptcy, an attorney can help you fill out the forms properly and protect you, your family, your home, and your possessions.

Although the law allows you to represent yourself in bankruptcy court, you should understand that many people find it difficult to represent themselves successfully. The rules are technical, and a mistake or inaction may harm you. If you file without an attorney, you are still responsible for knowing and following all of the legal requirements.

You should not file for bankruptcy if you are not eligible to file or if you do not intend to file the necessary documents.

Bankruptcy fraud is a serious crime; you could be fined and imprisoned if you commit fraud in your bankruptcy case. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Chapter 12: Repayment plan for family farmers or fishermen

	\$200	filing fee
+	\$75	administrative fee
	\$275	total fee

Similar to chapter 13, chapter 12 permits family farmers and fishermen to repay their debts over a period of time using future earnings and to discharge some debts that are not paid.

Chapter 13: Repayment plan for individuals with regular income

	\$235	filing fee
+	\$75	administrative fee
	\$310	total fee

Chapter 13 is for individuals who have regular income and would like to pay all or part of their debts in installments over a period of time and to discharge some debts that are not paid. You are eligible for chapter 13 only if your debts are not more than certain dollar amounts set forth in 11 U.S.C. § 109.

Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, usually using your future earnings. If the court approves your plan, the court will allow you to repay your debts, as adjusted by the plan, within 3 years or 5 years, depending on your income and other factors.

After you make all the payments under your plan, many of your debts are discharged. The debts that are not discharged and that you may still be responsible to pay include:

domestic support obligations,

most student loans,

certain taxes,

debts for fraud or theft,

debts for fraud or defalcation while acting in a fiduciary capacity,

most criminal fines and restitution obligations,

certain debts that are not listed in your bankruptcy papers,

certain debts for acts that caused death or personal injury, and

certain long-term secured debts.

Warning: File Your Forms on Time

Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information about your creditors, assets, liabilities, income, expenses and general financial condition. The court may dismiss your bankruptcy case if you do not file this information within the deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

For more information about the documents and their deadlines, go to:
http://www.uscourts.gov/bkforms/bankruptcy_forms.html#procedure.

Bankruptcy crimes have serious consequences

If you knowingly and fraudulently conceal assets or make a false oath or statement under penalty of perjury—either orally or in writing—in connection with a bankruptcy case, you may be fined, imprisoned, or both.

All information you supply in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the U.S. Trustee, the Office of the U.S. Attorney, and other offices and employees of the U.S. Department of Justice.

Make sure the court has your mailing address

The bankruptcy court sends notices to the mailing address you list on *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101). To ensure that you receive information about your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address.

A married couple may file a bankruptcy case together—called a *joint case*. If you file a joint case and each spouse lists the same mailing address on the bankruptcy petition, the bankruptcy court generally will mail you and your spouse one copy of each notice, unless you file a statement with the court asking that each spouse receive separate copies.

Understand which services you could receive from credit counseling agencies

The law generally requires that you receive a credit counseling briefing from an approved credit counseling agency. 11 U.S.C. § 109(h). If you are filing a joint case, both spouses must receive the briefing. With limited exceptions, you must receive it within the 180 days **before** you file your bankruptcy petition. This briefing is usually conducted by telephone or on the Internet.

In addition, after filing a bankruptcy case, you generally must complete a financial management instructional course before you can receive a discharge. If you are filing a joint case, both spouses must complete the course.

You can obtain the list of agencies approved to provide both the briefing and the instructional course from:
http://justice.gov/ust/eo/hapcpa/ccde/cc_approved.html

In Alabama and North Carolina, go to:
<http://www.uscourts.gov/FederalCourts/Bankruptcy/BankruptcyResources/ApprovedCreditAndDebtCounselors.aspx>.

If you do not have access to a computer, the clerk of the bankruptcy court may be able to help you obtain the list.

United States Bankruptcy Court
Western District of New York

In re **Cori DuVall**

Debtor(s)

Case No. **2-19-20179**Chapter **13**

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept	\$	<u>0.00</u>
Prior to the filing of this statement I have received	\$	<u>0.00</u>
Balance Due	\$	<u>0.00</u>

2. \$ **310.00** of the filing fee has been paid.
3. The source of the compensation paid to me was:
☐ Debtor ☒ Other (specify): **Attorney Fees paid for by grant funded by New York State Attorney General to prevent foreclosure**
4. The source of compensation to be paid to me is:
☒ Debtor ☐ Other (specify):
5. ☒ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.
☐ I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.
6. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:
a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
d. [Other provisions as needed]
7. By agreement with the debtor(s), the above-disclosed fee does not include the following service:
Representation of the debtors in any dischargeability actions, relief from stay actions or any other adversary proceeding and objections by the Office of the US Trustee. The preparation and filing of reaffirmation agreements and applications as needed; preparation and filing of motions pursuant to 11USC 522(f)(2)(A) for avoidance of liens on household goods.

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

March 12, 2019*Date***/s/ Zachary James Pike****Zachary James Pike***Signature of Attorney***Legal Aid Society****1 West Main Street****Suite 800****Rochester, NY 14614****(585) 232-4090 Fax: (585) 232-2352***Name of law firm*

**United States Bankruptcy Court
Western District of New York**

In re **Cori DuVall**

Debtor(s)

Case No. **2-19-20179**

Chapter **13**

VERIFICATION OF CREDITOR MATRIX

The above-named Debtor hereby verifies that the attached list of creditors is true and correct to the best of his/her knowledge.

Date: **March 12, 2019**

/s/ Cori DuVall

Cori DuVall

Signature of Debtor

EXHIBIT B

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In Re:

CORI DUVALL

Debtors,

COMPLAINT

CORI DUVALL
5550 County Road 30
Canandaigua, New York 14424

ADVERSARY PROCEEDING

BK#: 19-20179
AP#:

SSN: xxx-xx-2304

Plaintiffs,

-against-

COUNTY OF ONTARIO, NEW YORK, and
"JOHN DOE" and "JANE DOE", said names
being fictitious, it being the intention of
Plaintiffs to name any third-party purchaser
of Plaintiffs' home at 9097 County Road 14,
Honeoye Fall, NY 14472 during the property
tax foreclosure auction held by Ontario
County at 2914 County Road 48, Canandaigua,
NY 14424 at 7 p.m., May 17, 2017

Defendants

I. PRELIMINARY STATEMENT

1. This is an adversary proceeding by Plaintiff CORI DUVALL, (hereafter "Debtor") against Defendant ONTARIO COUNTY (hereafter "Ontario County") to avoid the tax foreclosure of her family farm at 9097 County Road 14, Honeoye Falls, NY 14472, as a fraudulent conveyance, pursuant to 11 U.S.C. §548(a)(1)(B) and 11 U.S.C. §522(h). Ontario County obtained a judgment of foreclosure due to property tax arrears of \$21,486.49, far less

than the value of the property. Ontario County assessed the home at \$186,800.00, as of the default judgment date. This amount has been provisionally used by Debtor in her Chapter 13 filing.

2. On March 1, 2019, Debtor filed a Chapter 13 plan that provides for full repayment of the property tax arrears as well as 100 percent repayment of debts owed to unsecured creditors. In bringing this action, Debtor seeks to preserve her family farm and bring an asset back into the estate for the benefit of her creditors.

3. Debtor seeks a judgment from this Court avoiding the transfer of title to Debtor's home to Ontario County or to any other successors in interest to Ontario County, and restoring Debtor's ownership and possessory rights to her family farm.

4. On May 16, 2017, Debtor filed an Order to Show Cause to stop the sale of 9097 County Road 14 and vacate the default judgment of foreclosure against her because she was never served or noticed with the Petition and Notice of Petition of the foreclosure action. On May 16, 2017, the Order to Show Cause was signed by Hon. William F. Kocher, setting a court date of June 26, 2017 for the Hon. Frederick G. Reed to hear whether the default judgment should be vacated. Pursuant to that order, the tax foreclosure auction scheduled for May 17, 2017, could continue, but Ontario County could not transfer 9097 County Road 14 to any prospective purchaser until the final legal resolution of the matter, including appeals or further order of that Court.

5. Ontario County held a property tax foreclosure auction of 9097 County Road 14 on Wednesday, May 17, 2017, at the Ontario County Training Facility, 2914 County Road 48, Canandaigua, NY 14424. Upon information and belief, a bid from a prospective purchaser was accepted by Ontario County.

6. Ontario County Supreme Court ruled against the Debtor after hearing the Order to Show Cause on June 26, 2017. A Decision and Order was entered in Ontario County Clerk's Office on July 7, 2017. Debtor appealed that decision to the Fourth Department Appellate Division. On February 8, 2019, the Appellate Division affirmed the Ontario County Supreme Court Decision and Order.

II. JURISDICTION

7. On March 1, 2019, Debtor filed a petition in the above-captioned proceeding under Chapter 13 of the U.S. Bankruptcy Act.

8. Debtors claimed 9097 County Road 14 as an exempt asset pursuant to 11 U.S.C. §522(d)(5).

9. This is a core proceeding pursuant to 28 U.S.C. §157(b)(2)E and (H).

10. The Court has jurisdiction over applications to avoid a transfer of an asset for less than reasonably equivalent value if the debtor was insolvent or rendered insolvent as of the date of the transfer. 11 U.S.C. §548(a)(1)(B); 11 U.S.C. §522(h).

III. PARTIES

11. Plaintiff is Debtor, Cori DuVall. She is the current owner of 9097 County Road 14, which is her family farm owned originally by her parents. Her father passed away approximately 15 years ago, and up until her mother had a stroke in December 2015, her mother continued to live on the family farm. Her sister continued to live there for some time afterward.

12. Defendant Ontario County is a duly constituted county located in New York State. The responsibilities of Ontario County include collecting taxes assessed on real property within the county.

13. Defendants JOHN DOE and JANE DOE are fictitious names, intending to designate any third-party purchaser of Debtor's farm at 9097 County Road 14, Honeoye Falls, NY 14472, during the property tax foreclosure auction held by Ontario County at 2914 County Road 48, Canandaigua, NY 14424, on May 17, 2017.

IV. STATUTORY FRAMEWORK

14. Ontario County is subject to Article 11 of the New York State Real Property Tax Law (hereafter "NYRPTL") as it has not exercised an option to opt out of this article.

15. Under Article 11 of NYRPTL, a judgment of foreclosure obtained by Ontario County results in the loss of ownership of such property and all rights in that property by the homeowners in favor of Ontario County. NYRPTL §1136(2) and (3).

16. Ontario County has not adopted any procedures to allow homeowners to apply for a repayment plan for property tax arrearages, as may be allowed under NYRPTL §1184. Ontario County likewise has not adopted any procedures for permitting a homeowner to redeem after the deadline.

17. Under Article 11 of the NYRPTL, homeowners do not receive any reimbursement from the sale of their home at the tax foreclosure auction, regardless of the amount that is paid to the county at the auction. The amount received at the auction is for the benefit of the county and not for the benefit of the homeowner.

18. Bankruptcy Courts in this District have held that for bankruptcy purposes, the date of transfer of ownership in an in rem tax foreclosure proceeding under Article 11 of the NYRPTL is the date the judgment of foreclosure is taken. The recording of the deed has been held to be ministerial.

19. The Chapter 13 Trustee may avoid any transfer by a debtor, whether voluntary or involuntary, that was made within 2 years of the filing of the petition, if the debtor received less than a reasonably equivalent value in exchange for such transfer and was insolvent on the date of such transfer. 11 U.S.C. §548(a)(1)(B)(i) and ii(I).

V. STATEMENT OF FACTS

A. Subject Premises and Debtor's Household

20. The subject property consists of a single family home and farm situated on 49.6 acres, located at 9097 County Road 14, Town of Honeoye Falls, Ontario County, New York. This property is designated as Ontario County property tax parcel 325000 51.00-1-78.00.

21. At the time the tax foreclosure was commenced in 2015, the subject property was assessed at \$186,600,000, which amount has been provisionally used by Debtor in her Chapter 13 filing.

22. Debtor's parents purchased the farm at 9097 County Road 14 over 30 years ago. Debtor grew up on the farm. Approximately 15 years ago, Debtor's father passed away. Debtor's mother continued to live in the property until she suffered a severe stroke in December 2016. On December 29, 2014, Debtor's mother deeded 9097 County Road 14 to Debtor. At that time, Debtor's sister also moved into the property. It was understood between the parties that Debtor's mother and sister would pay the real property taxes on the home. Debtor owns no other real property but 9097 County Road 14.

23. It is Debtor's intention to move back into 9097 County Road 14 with her three children. Her intention in withdrawing funds from her annuity in November 2018 was to pay the tax arrears and also update 9097 County Road 14.

24. Debtor's income is Social Security Disability and an annuity resulting from a lawsuit settlement with New York State. Debtor's disability is a result of the trauma caused by the underlying incident that was the basis of the lawsuit against New York State. This provides her with enough income to pay annual real property taxes on 9097 County Road 14 and all other living expenses.

B. State Court proceedings

25. Debtor first became aware that a foreclosure proceeding had been initiated in December 2016, when she received a post card from Ontario County stating that 9097 County Road 14 was to be sold at a tax foreclosure sale if the real property taxes arrears were not paid for by January 13, 2017. Up until her receipt of the postcard, Debtor had not received any prior information regarding back taxes owed or any notice that a foreclosure proceeding had started. Ontario County contends that notice was sent to Debtor's incorrect address as well as her correct address via certified mail and first-class mail.

26. Debtor is unsure of the exact date she received the postcard as her mother had recently experienced a stroke in December 2015, and Debtor was pre-occupied with these circumstances. As stated in Ontario County's June 14, 2017, Response Affidavit to the Order to show Cause, the earliest interaction between Debtor and Ontario County regarding the unpaid taxes took place on December 16, 2016, when her boyfriend emailed Ontario County to request information about the pending foreclosure less than one month before the redemption date.

27. Debtor herself then contacted Ontario County to gather more information about the foreclosure and was told by a representative that she could either pay the full amount of delinquent taxes, file a bankruptcy, or contest the service but that nobody had been successful in contesting service in the last decade. With only weeks to come up with the money to pay off the

delinquent taxes, Debtor attempted to arrange for private financing but was ultimately unable to secure the funds needed by the redemption date of January 13, 2017.

28. On March 2, 2017, Hon. Frederick G. Reed signed the Default Judgment Pursuant to NYRPTL §1136. The Default Judgment was filed in the Ontario County Clerk's Office on March 7, 2017.

29. The judgment of foreclosure awarded Ontario County possession of Debtor's home. The judgment authorized Ontario County to record a deed conveying to Ontario County full and complete title to her home and barring Debtor from any right, title, interest, claim, lien or equity of redemption in her home.

30. Ontario County has not recorded a deed pursuant to the judgment.

31. In an attempt to find out why she had never received any notice informing her of the unpaid taxes or the foreclosure action, Debtor submitted a Freedom of Information Law (hereafter "FOIL") request to Ontario County, to which Ontario County responded by email on May 5, 2017.

32. In response to Debtor's FOIL request, Ontario County returned to Debtor documents indicating only that it had sent correspondence regarding the unpaid taxes, including official tax bills and the Petition and Notice of Foreclosure proceeding, to the following names and addresses: Duvall Bert J III & Polito Alice at 9097 Co. Rd. 14, Honeoye Falls, NY 14472; and DuVall Cori at 6796 Jenks Rd., Canandaigua, NY 14424. Neither of these addresses were the Debtor's correct address. Debtor's correct address at that time, as indicated on the recording page of the deed filed with the Ontario County Clerk on January 12, 2015, is 6797 Jenks Rd, Canandaigua, NY 14424. Upon information and belief, 6796 Jenks Rd. is a non-existent address.

33. After seeing that the FOIL request did not show any notices or Petitions of Foreclosure being sent to Debtor's recorded actual address, Debtor filed an Order to Show Cause to stop the sale of the home on May 16, 2017. It was signed by Hon. William F. Kocher, acting Supreme Court Justice. Acting Justice Kocher amended the Order to Show Cause on May 17, 2017, to allow Ontario County to put the home up for auction that night, but added to the Order to Show Cause that it would not be allowed to transfer title of the property until all legal actions were over.

34. After Debtor filed the Order to Show Cause, Debtor's attorney sent a test letter to 9796 Jenks Road via regular first class United States Mail to see if it would be delivered to Debtor. It was sent back as "Return to Sender, Not Deliverable As Addressed, Unable to Forward."

35. Ontario County filed a reply affidavit with multiple exhibits opposing the Order to Show Cause. Ontario County argued that they had sent notice not only to 6796 Jenks Road, but also to 6797 Jenks Road via certified mail and first -lass mail. They produced a copy of the certified mailing label which stated "Return to Sender, Unclaimed, Unable to Forward" for both 6796 Jenks Road and 6797 Jenks Road. Additionally, Ontario County argued that the Debtor was beyond the one-month statute of limitations to reopen a default judgment pursuant to NYRPTL 1131, and that the Debtor had actual notice.

36. Debtor, through her attorney, filed a reply affirmation with additional exhibits, questioning the exhibits and affidavit of Ontario County including the copies of the certified mail receipts and the reason it was returned to Ontario County, which was at odds with the certified mailing that was mailed by the attorney for the Debtor. The reply affirmation also questioned the Affidavit of Posting, Service and Publication, the affidavit of service for the in rem tax

foreclosure. Additionally, the Debtor asked for an evidentiary hearing with discovery to make a determination if notice had actually been served.

37. Oral argument was heard on June 26, 2017 before acting Supreme Court Justice Frederick G. Reed. Justice Reed issued a decision and order, filed in the Ontario County Clerk's Office on July 7, 2017, denying the Order to Show Cause and stating that Ontario County had demonstrated proper service and that the Debtor had actual knowledge.

38. Debtor filed a Notice of Appeal on July 13, 2017, with the Ontario County Clerk and served it upon the attorney for Ontario County, the Ontario County Treasurer and the Supreme Court Appellate Division, Fourth Department on July 14, 2017. The real property continued to be in Debtor's name, pursuant to the Amended Order to Show Cause.

39. Debtor filed her Respondent-Appellant Brief on April 12, 2018. In it, Debtor argued that the Ontario County Supreme Court did not have jurisdiction to grant the default judgment due to improper notice and that the default judgment was a nullity; that the Ontario County Supreme Court abused its discretion by not having an evidentiary hearing when questions of fact were raised; that the 30 day requirement to reopen a default judgment under NYRPTL §1131 was not applicable as the lower Court lacked jurisdiction; and that, in the interests of justice, Ontario County Supreme Court committed reversible error when it failed to reopen the default judgment.

40. Ontario County filed its brief on May 14, 2018 and in that brief argued that the Ontario County Supreme Court properly denied Debtor's application as time-barred; that Debtor failed to demonstrate grounds for vacatur of the default judgment; and that Debtor's arguments pertaining to the affidavit of service, posting and publication must be rejected.

41. Arguments regarding the appeal were heard by the Appellate Division Fourth Department on October 24, 2018 by Justices Smith, Carni, Lindley, DeJoseph and Winslow.

42. On February 8, 2019, a decision was rendered by the Appellate Division-Fourth Department denying Debtor's appeal and affirming the Order of the Ontario County Supreme Court. The Appellate Division found that the Order to Show Cause was properly denied as untimely. Additionally, they found that notice was sufficient even though notice had been sent to incorrect and non-existent address, and that Debtor failed to preserve her contention that the court should have vacated the default judgment in the interests of substantial justice.

43. On February 28, 2019, Debtor filed a motion to reargue the appeal with the Appellate Division. That motion was withdrawn without prejudice on March 28, 2019.

C. Bankruptcy Court Proceedings

44. On March 1, 2019, Debtor filed the above captioned Chapter 13 proceeding.

45. Debtor proposes in her Chapter 13 Plan to pay 100% of the property tax arrears of \$21,486.49, plus any subsequent taxes and interest owed as assessed by Ontario County.

46. Debtor proposes in her Chapter 13 Plan to pay 100% of the claims of her unsecured creditors. Debtor proposes payments to the Chapter 13 Trustee through direct payment to the Trustee via a monthly amount, and a lump sum when all claims are determined. Debtor has in her possession \$94,574.09 in a checking account ready to pay all real property taxes and unsecured debt owed. This money had previously been withdrawn from her annuity in contemplation of either Ontario County agreeing to settle the state court litigation or a non-adverse ruling by the Fourth Department Appellate Division.

47. Debtor has claimed 9097 County Road 14 as exempt pursuant to 11 U.S.C. §522(d)(5).

48. Debtor asserts that retention of 9097 County Road 14 is essential for her reorganization.

49. Debtor is seeking to avoid the transfer of the family farm in order to preserve it and thereby pay off her creditors through the Chapter 13 plan that was filed on March 1, 2019. If the transfer of the 9097 County Road 14 is allowed to stand, one creditor, Ontario County, will benefit at the expense of the other creditors.

50. The Chapter 13 Trustee has not attempted to set aside the transfer of Debtor's home to Ontario County, pursuant to 11 U.S.C. §548(a)(1)(B). Debtor asserts the power to step into the shoes of the Trustee to avoid the transfer under 11 U.S.C. §522(h).

D. The tax foreclosure of Debtor's home was a fraudulent transfer

***i.* The Debtors have an interest in the property**

51. The subject property consists of a single family home and farm located on 49.7 acres at 9097 County Road 14, Town of Honeoye Falls, Ontario County, New York.

52. Debtor owns this property by virtue of a deed, dated December 29, 2014, recorded in the Ontario County Clerk's Office on January 12, 2015 at Liber 01331 at page 361.

53. Debtor's home is not encumbered by any mortgage, outstanding judgments or liens other than the property tax lien.

***ii.* The transfer of Debtor's interest occurred within two years of her filing of the bankruptcy**

54. On March 2, 2017, Ontario County Court granted Ontario County a judgment of foreclosure in the *in rem* proceeding, which Ontario County filed against Debtor's home for unpaid taxes.

55. On March 1, 2019, Debtors filed the above-captioned Chapter 13 petition within two years of the transfer of the property pursuant to the default judgment.

***iii.* The transfer was without reasonably equivalent value**

56. At the time of the redemption deadline, Ontario County assessed property taxes on Debtor's home based on an assessed value of \$186,600.
57. Ontario County foreclosed on Debtor's home for unpaid property taxes of \$21,486.49.
58. Under Article 11 of the NYRPTL, Debtor will not receive any reimbursement from the sale of her home at the tax foreclosure auction, regardless of the amount that is paid to Ontario County.
59. Under Article 11 of the NYRPTL, Ontario County will instead retain any surplus over the property tax arrears from the sale of Debtor's home.\
60. Ontario County will have transferred the property to itself for only 11.5% of the total value of the property.

***iv.* The Debtors were rendered insolvent by the transfer**

61. Debtor was insolvent or was rendered insolvent by the transfer of her home. At the time of the transfer, the value of her debts outweighed the value of her non-exempt assets. Her assets and liabilities are set forth in the schedules of her Chapter 13 filing. At the time of the transfer, Debtor's non-exempt assets were considerably less than when she filed the Chapter 13 petition, as Debtor had not yet withdrawn the funds for her exempt annuity to pay the tax arrears. That amount was withdrawn after New York State Court approval in November of 2018. Her assets at the time of the transfer would have simply been 9097 County Road 14, her car, her household goods and her annuity.

VI. CLAIMS FOR RELIEF

A. First Claim for Relief, as to Defendant Ontario County

62. Ontario County is subject to Article 11 of the New York State Real Property Tax Law (NYRPTL) as it has not exercised an option to opt out of this article.

63. Under Article 11 of the NYRPTL, a judgment of foreclosure obtained by Ontario County results in the loss of ownership of such property and all rights in that property by the Debtor in favor of the County. NYRPTL §1136(2) and (3).
64. Debtor is entitled to avoidance of the transfer of her home by tax foreclosure pursuant to 11 U.S.C §522(h), as the transfer could have been avoided by the Trustee under 11U.S.C §548(a)(1)(B) and because the Trustee has not attempted to avoid the transfer.
65. Pursuant to 11 U.S.C. §548(a)(1)(B), the Chapter 13 Trustee may avoid any transfer by the Debtor, whether voluntary or involuntary, that was made within 2 years of the filing of the petition, if the Debtor received less than a reasonably equivalent value in exchange for such transfer and was insolvent on the date of such transfer.
66. Debtor has claimed her home as exempt pursuant to 11 USC §522(d)(5).
67. Debtor filed a Chapter 13 bankruptcy on March 1, 2019, within two years of the transfer.
68. The transfer of title to Debtor's home, pursuant to a judgment obtained by defendant Ontario County, dated March 2, 2017, as a result of unpaid property taxes assessed against Debtor's home in the amount of approximately \$21,486.89, was not for reasonably equivalent value.
69. The transfer of 9097 County Road 14 to Ontario County was involuntary and without reasonably equivalent value. The transfer rendered the debtor insolvent.

B. Second Claim for Relief, As to Defendant "John Doe" and "Jane Doe"

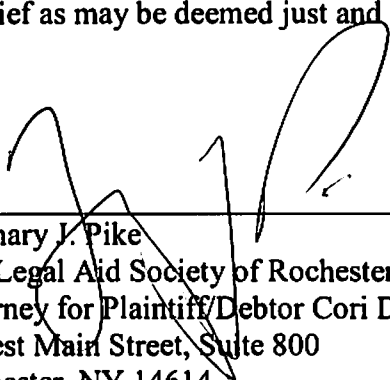
70. The Debtor repeats and alleges paragraphs 1-69 above.

71. The Debtor's claims against defendant Ontario County are applicable to any "John Doe" or "Jane Doe" purchaser of Debtors' home at the property tax foreclosure auction on May 17, 2017 by Ontario County.

WHEREFORE, Debtor, the plaintiffs herein, respectfully request that the Court enter judgment against Defendant Ontario County:

1. Avoiding the transfer of title to Debtor's home as set forth in the final judgment obtained on March 2, 2017, by defendant Ontario County, in the *in rem* property tax foreclosure, brought against Debtor's home for unpaid property taxes;
2. Avoiding the transfer of title to Debtor's home to any "John Doe" and "Jane Doe" purchasers of her home at the property tax foreclosure auction, held by Ontario County, on May 17, 2017 and avoiding such transfer of title to any other successors in interest to Ontario County;
3. Restoring Debtor's ownership and possessory rights to her home as set forth in the deed dated December 29, 2014, recorded in the Ontario County Clerk's office on January 12, 2015 at Liber 1331 at page 359, subject to her Chapter 13 plan, filed on March 15, 2019; and
4. Granting Debtor such other and further relief as may be deemed just and proper.

DATED: Apr. 125, 2019
Rochester, New York



Zachary J. Pike
The Legal Aid Society of Rochester
Attorney for Plaintiff/Debtor Cori DuVall
1 West Main Street, Suite 800
Rochester, NY 14614
(585) 295-5784
zpike@lasroc.org

EXHIBIT C

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In Re:

BK Case No. 2-19-20179

CORI DUVALL,

Debtors.

CORI DUVALL
5550 County Road 30
Canandaigua, New York 14424

SSN: xxx-xx-2304

Plaintiffs,

Adv. Proc. No.: 19-2011

vs.

COUNTY OF ONTARIO, NEW YORK, and
“JOHN DOE” and “JANE DOE”, said names
being fictitious, it being the intention of Plaintiffs
to designate any Purchaser of Plaintiff’s home at
9097 County Road 14, Honeoye Falls, NY 14472
during the property tax foreclosure auction held
by Ontario County at 2914 County Road 48,
Canandaigua, NY 14424 at 7 p.m., May 17, 2017.

Defendants.

**ANSWER TO COMPLAINT ON BEHALF OF
DEFENDANT, COUNTY OF ONTARIO**

Defendant, County of Ontario (the “County”), by its attorney, Jason S. DiPonzio, Esq.
answers each numbered paragraph of the Complaint as follows:

1. To the extent that this paragraph contains a statement of the statutory authority for this adversary proceeding, it requires no response. The County further denies the remaining allegations of this paragraph.

2. Denies.

3. Denies.

4. Refers to the Order to Show Cause dated May 16, 2017 as the best evidence of the allegations contained in this paragraph.

5. Admits.

6. Admits.

7. Denies knowledge and information sufficient to form a belief as to the truth of these allegations.

8. Denies knowledge and information sufficient to form a belief as to the truth of these allegations.

9. This paragraph contains a legal conclusion and requires no response.

10. This paragraph contains a legal conclusion and requires no response.

11. Denies knowledge and information sufficient to form a belief as to the truth of these allegations.

12. Admits.

13. Denies knowledge and information sufficient to form a belief as to the truth of these allegations.

14. This paragraph contains a legal conclusion and requires no response.

15. This paragraph contains a legal conclusion and requires no response.

16. Denies.

17. To the extent that this paragraph contains a legal conclusion, it requires no response.

The County further denies the remaining allegations of this paragraph.

18. This paragraph contains a legal conclusion and requires no response.

19. This paragraph contains a legal conclusion and requires no response.

20. Denies knowledge and information sufficient to form a belief as to the truth of these allegations.

21. Refers to the assessment records maintained by the Town of West Bloomfield as the best evidence of the allegations contained in this paragraph.

22. Denies knowledge and information sufficient to form a belief as to the truth of these allegations.

23. Denies knowledge and information sufficient to form a belief as to the truth of these allegations.

24. Denies knowledge and information sufficient to form a belief as to the truth of these allegations.

25. The County admits that the required statutory notices under Real Property Tax Law Article 11 were sent to debtor's correct address via certified mail and first class mail, and denies the remaining allegations of this paragraph.

26. Refers to the affidavit sworn to June 14, 2017 as the best evidence of the allegations contained in this paragraph, and denies the remaining allegations.

27. Denies.

28. Admits.

29. Refers to the default judgment of foreclosure as the best evidence of the allegations contained in this paragraph.

30. Admits.
31. Denies knowledge and information sufficient to form a belief as to the truth of these allegations.
32. Denies.
33. Refers to the Order to Show Cause dated May 16, 2017 and amended on May 17, 2017 as the best evidence of the allegations contained in this paragraph, and denies the remaining allegations.
34. Denies knowledge and information sufficient to form a belief as to the truth of these allegations.
35. Refers to the motion papers referenced as the best evidence of the allegations contained in this paragraph.
36. Denies.
37. Refers to the Decision and Order issued by Ontario County Supreme Court as the best evidence of the allegations contained in this paragraph.
38. Admits the allegations pertaining to the filing and service of the Notice of Appeal, and denies the remaining allegations of this paragraph.
39. Refers to the Respondent/Appellant Brief as the best evidence of the allegations contained in this paragraph.
40. Refers to the Brief filed on behalf of the County as the best evidence of the allegations contained in this paragraph.
41. Admits.
42. Refers to the Memorandum and Order of the Appellate Division Fourth Department dated February 8, 2019 as the best evidence of the allegations contained in this paragraph.

43. Admits.
44. Denies knowledge and information sufficient to form a belief as to the truth of these allegations.
45. Denies knowledge and information sufficient to form a belief as to the truth of these allegations.
46. Denies knowledge and information sufficient to form a belief as to the truth of these allegations.
47. Denies knowledge and information sufficient to form a belief as to the truth of these allegations.
48. Denies.
49. Denies.
50. Denies knowledge and information sufficient to form a belief as to the truth of these allegations.
51. Denies knowledge and information sufficient to form a belief as to the truth of these allegations.
52. Denies knowledge and information sufficient to form a belief as to the truth of these allegations.
53. Denies knowledge and information sufficient to form a belief as to the truth of these allegations.
54. Admits.
55. Denies.
56. Denies.
57. This paragraph contains a legal conclusion and requires no response.

58. This paragraph contains a legal conclusion and requires no response.
59. This paragraph contains a legal conclusion and requires no response.
60. Denies.
61. Denies.
62. This paragraph contains a legal conclusion and requires no response.
63. This paragraph contains a legal conclusion and requires no response.
64. Denies.
65. This paragraph contains a legal conclusion and requires no response.
66. Denies.
67. Denies.
68. Denies.
69. Denies.
70. The County repeats each of the responses to paragraphs 1-69 of the Complaint.
71. Denies.
- 72.** Denies each and every allegation that is not been heretofore admitted, controverted or denied.

FIRST AFFIRMATIVE DEFENSE

73. Plaintiff has failed to state a cause of action upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

74. Plaintiffs will be unable to demonstrate that either the transfer complained of was not for reasonably equivalent value, or rendered Debtor/Plaintiff insolvent, which are necessary elements of Plaintiffs' cause of action.

75. Accordingly, this action must be dismissed.

THIRD AFFIRMATIVE DEFENSE

76. This action will not confer any benefit upon creditors, but rather, will solely benefit Debtor/Plaintiff.

77. Because this purpose is in contravention of applicable provisions of the Bankruptcy Code, this action must be dismissed.

FOURTH AFFIRMATIVE DEFENSE

78. Debtor/Plaintiff's standing to bring this adversary proceeding is limited by Section 522(g) and (h) of the Bankruptcy Code.

79. Accordingly, Debtor's recovery, if any, must be limited by the above provisions.

WHEREFORE, the County demands judgment dismissing the complaint, together with the costs and disbursements of this action, and for such other, further and different relief as to the Court seems reasonable and proper.

Dated: Rochester, New York
May 20, 2019

/s/ Jason S. DiPonzio
Jason S. DiPonzio, Esq.
Attorney for County of Ontario
Office and Post Office Address:
950 Reynolds Arcade Building
16 East Main Street
Rochester, New York 14614
Telephone: (585) 530-8515

TO: Zachary J. Pike, Esq.
Attorney for Debtor/Plaintiff
Office and Post Office Address:
Legal Aid Society of Rochester
1 West Main Street, Suite 800
Rochester, NY 14614

George M. Reiber, Esq.
Chapter 13 Trustee
Office and Post Office Address:
3136 South Winton Road, Suite 206
Rochester, New York 14623

EXHIBIT D

DebtEd, AP, APpending, WAIVE

**U.S. Bankruptcy Court
Western District of New York (Rochester)
Bankruptcy Petition #: 2-19-20179-PRW**

Assigned to: Warren, U.S.B.J.
Chapter 13
Voluntary
Asset

Date filed: 03/01/2019
341 meeting: 04/15/2019
Deadline for filing claims: 05/10/2019
Deadline for filing claims (govt.): 08/28/2019

Debtor

Cori DuVall
5550 County Road 30
Canandaigua, NY 14424
ONTARIO-NY
SSN / ITIN: xxx-xx-2304

represented by **Zachary James Pike**

Legal Aid Society of Rochester,
NY, Inc
1 West Main Street
Rochester, NY 14614
(585) 295-5784
Email: zpik@lasroc.org

Trustee

George M. Reiber
3136 S. Winton Road, Suite 206
Rochester, NY 14623
(585) 427-7225

Filing Date	#	Docket Text
03/01/2019	<u>1</u> (9 pgs)	Chapter 13 Voluntary Petition. Filing Fee Due: \$310.00. Filed by Cori DuVall Proofs of Claims due by 05/10/2019. Government Proof of Claim due by 08/28/2019. (Flag set: CounDue, DebtEd, PlnDue) (Pike, Zachary) (Entered: 03/01/2019)
03/01/2019	<u>2</u> (1 pg)	Certificate of Credit Counseling on behalf of Debtor Cori DuVall. (Flag removed: CounDue) Filed by Attorney (Pike, Zachary) (Entered: 03/01/2019)
03/01/2019	3	Receipt of Statutory Fee for Voluntary Petition (Chapter 13)(2-19-20179) [misc,volp13] (310.00). Receipt #13362993, Amount Received \$ 310.00. (U.S. Treasury) (Entered: 03/01/2019)
03/01/2019	4	Chapter 13 Judge/Trustee Auto-Assign. Judge Warren added to the Case. Trustee George M. Reiber, added to the case. (TEXT ONLY EVENT) (Entered: 03/01/2019)
03/01/2019	<u>5</u> (3 pgs; 2 docs)	Chapter 13 Case Management Order. (ADIClerk) (Entered: 03/01/2019)

03/04/2019	6 (2 pgs; 2 docs)	Notification of Case Opening Deficiency and/or Procedure Errors. The following schedules/statements are missing: Schedules A-J, Form 106Sum Summary of Assets & Liabilities, Form 106Dec Declaration About Debtors Schedules, Form 107 Statement of Financial Affairs, Form 2030 Disclosure of Compensation of Attorney for Debtor. Form 113 Ch 13 Plan, Form 122C-1 Ch 13 Statement of Current Monthly Income. (Andrews, A.) (Entered: 03/04/2019)
03/04/2019	7	Notice to the Court of 341 assignment. 341 meeting will be held on: 4/15/2019 at 02:00 at Rochester 341-Room 6080. (TEXT ONLY EVENT). Filed by Trustee George M. Reiber (Reiber, George) (Entered: 03/04/2019)
03/05/2019	8 (3 pgs; 2 docs)	Meeting of Creditors Notice(Ch 13) 341(a) meeting to be held on 4/15/2019 at 02:00 PM at Rochester 341 - Room 6080. Last day to object to discharge is 6/14/2019. (Putnam, S.) (Entered: 03/05/2019)
03/06/2019	9 (3 pgs)	BNC Certificate of Mailing - Order (re: related document(s) 5 Ch. 13 Case Management Order). Notice Date 03/06/2019. (Admin.) (Entered: 03/07/2019)
03/06/2019	10 (2 pgs)	BNC Certificate of Mailing. (re: related document(s) 6 Notification of Case Opening Deficiency-Missing Schedules). Notice Date 03/06/2019. (Admin.) (Entered: 03/07/2019)
03/07/2019	11 (3 pgs)	BNC Certificate of Mailing - Meeting of Creditors. (re: related document(s) 8 Ntc of Meeting of Creditors & Confirmation/Status Hrg). Notice Date 03/07/2019. (Admin.) (Entered: 03/08/2019)
03/14/2019	12 (48 pgs; 4 docs)	Amended Schedules and/or Statements filed: Form 106Dec - Declaration for Individual Debtors, Form 2010 - Notice Required by 11 USC Section 342b, Form 201 - Voluntary Petition for Non-Individuals, Form 202 - Declaration for Non-Individual Debtors, Schedule A-B, Schedule C, Schedule D, Schedule E-F, Schedule G, Schedule H, Schedule I, Schedule J, Schedule J-2, Summary of Assets and Liabilities, Statement of Financial Affairs, Statement of Intention, Attorney Disclosure Statement, Creditor List. on behalf of Debtor Cori DuVall. (Attachments: # 1 Schedule # 2 Schedule # 3 Schedule) Filed by Attorney (Pike, Zachary) (Entered: 03/14/2019)
03/14/2019	13 (6 pgs)	Chapter 13 Plan. (Flag removed: PlnDue) Filed on behalf of Debtor Cori DuVall (Pike, Zachary) (Entered: 03/14/2019)
03/14/2019	14 (3 pgs)	Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period for 3 Years. (Form 122C-1). Disposable Income Is Not Determined on behalf of Debtor Cori DuVall. Filed by Attorney (Pike, Zachary) (Entered: 03/14/2019)
03/14/2019	15 (2 pgs)	Employee Income Records on behalf of Debtor Cori DuVall. Filed by Attorney (Pike, Zachary) (Entered: 03/14/2019)
03/14/2019	16 (2 pgs)	Certificate of Service on behalf of Debtor Cori DuVall. (RE: related document(s) 13 Chapter 13 Plan) Filed by Attorney (Pike, Zachary)

		(Entered: 03/14/2019)
03/15/2019	17 (2 pgs; 2 docs)	Deficiency Notice. (re: related document(s) 12 Amendment to Schedules and/or Statements Already Filed filed by Debtor Cori DuVall, 13 Chapter 13 Plan filed by Debtor Cori DuVall). (Putnam, S.) (Entered: 03/15/2019)
03/15/2019	18 (6 pgs)	Chapter 13 Plan. Filed on behalf of Debtor Cori DuVall (Pike, Zachary). Related document(s) 16 Certificate of Service filed by Debtor Cori DuVall. Modified on 3/18/2019 (Lawson, L.). (Entered: 03/15/2019)
03/15/2019	19 (2 pgs; 2 docs)	Notice to debtor(s) directing service of: Notice of Confirmation Hearing & a copy of the Ch 13 Plan. (RE: related document(s) 18 Chapter 13 Plan). Confirmation hearing to be held on 5/20/2019 at 01:00 PM at Rochester Courtroom. (Attachments: # 1 Notice of confirmation hearing date) Filed by Trustee George M. Reiber (Reiber, George). Modified on 5/1/2019 (Folwell, T.). (Entered: 03/15/2019)
03/17/2019	20 (2 pgs)	BNC Certificate of Mailing. (re: related document(s) 17 Deficiency Notice). Notice Date 03/17/2019. (Admin.) (Entered: 03/18/2019)
03/18/2019	21 (2 pgs; 2 docs)	Deficiency Notice. (re: related document(s) 18 Chapter 13 Plan filed by Debtor Cori DuVall). (Putnam, S.) CLERK'S NOTE: DISREGARD DEFICIENCY NOTICE. SEE CERTIFICATE OF SERVICE AT ENTRY NO. 16 . Modified on 3/18/2019 (Lawson, L.). (Entered: 03/18/2019)
03/18/2019	22 (2 pgs; 2 docs)	Order to Pay to the Trustee Signed on 3/18/2019 (Putnam, S.) (Entered: 03/18/2019)
03/19/2019	23 (1 pg)	Cover sheet. on behalf of Debtor Cori DuVall. (RE: related document(s) 12 Amendment to Schedules and/or Statements Already Filed, 14 Chapter 13 Statement of Monthly Income, 15 Employee Income Records, 16 Certificate of Service) Filed by Attorney (Pike, Zachary) (Entered: 03/19/2019)
03/19/2019	24 (1 pg)	Cover sheet. <i>Corrected Cover Sheet to show signatures</i> on behalf of Debtor Cori DuVall. (RE: related document(s) 23 Cover sheet.) Filed by Attorney (Pike, Zachary) (Entered: 03/19/2019)
03/20/2019	25 (2 pgs)	BNC Certificate of Mailing. (re: related document(s) 21 Deficiency Notice). Notice Date 03/20/2019. (Admin.) (Entered: 03/21/2019)
03/20/2019	26 (2 pgs)	BNC Certificate of Mailing - Order (re: related document(s) 22 Order To Pay Wages). Notice Date 03/20/2019. (Admin.) (Entered: 03/21/2019)
04/16/2019	27	Section 341 Meeting of Creditors Closed. <i>Track #: 1011 Debtor appeared..</i> (TEXT ONLY EVENT)- <i>Declaration of Electronic Filing Provided. Tape No. Monday.</i> (Reiber, George) (Entered: 04/16/2019)

04/16/2019	28 (2 pgs)	Tasks required to prepare case for confirmation hearing . Filed by Trustee George M. Reiber (Reiber, George) (Entered: 04/16/2019)
04/25/2019	29 (2 pgs)	Adversary case 2-19-02011. 13 (Recovery of money/property - 548 fraudulent transfer). Complaint Filed by Cori DuVall vs Ontario County, New York. Statutory Fee Due: \$350 - WAIVED . (Flag set: AP, APpending) (Pike, Zachary) (Entered: 04/25/2019)
04/26/2019	30	Fee Waived for Adversary case 2:19-ap-2011. Receipt Number WAIVED, Fee Amount \$0.00 (TEXT ONLY EVENT) (Flag set: WAIVE) (Putnam, S.) (Entered: 04/26/2019)
05/13/2019	31 (1 pg)	Notice to All Creditors of Hearing on Confirmation on behalf of Debtor Cori DuVall. Filed by Attorney (Pike, Zachary) (Entered: 05/13/2019)
05/13/2019	32 (2 pgs)	Certificate of Service on behalf of Debtor Cori DuVall. (RE: related document(s) 31 Notice of Confirmation Hearing/Modified Plan) Filed by Attorney (Pike, Zachary) (Entered: 05/13/2019)
05/17/2019	33 (4 pgs)	Motion to Dismiss Case. failure to obtain insurance on real property and failure to maintain plan payments Filed by Trustee (Reiber, George) (Entered: 05/17/2019)
05/20/2019	34	Confirmation Hearing Continued(BK Other) - Prior to the calendar, the matter was Adjourned. Appearances: None. (TEXT ONLY EVENT) (re: related document(s) 18 Chapter 13 Plan filed by Debtor Cori DuVall). Confirmation hearing to be held on 7/22/2019 at 02:00 PM at Rochester Courtroom. (Folwell, T.) (Entered: 05/20/2019)
05/21/2019	35 (2 pgs; 2 docs)	Deficiency Notice. (re: related document(s) 33 Motion to Dismiss Case (Other)). (Putnam, S.) (Entered: 05/21/2019)
05/21/2019	36 (1 pg)	Notice of Appearance and Request for Notice by Jason S. DiPonzio. on behalf of Notice of Appearance Creditor Ontario County, New York. Filed by Attorney (DiPonzio, Jason) (Entered: 05/21/2019)
05/21/2019	37 (1 pg)	Proposed Order (RE: related document(s) 33 Motion to Dismiss Case (Other)) Filed by Trustee (Reiber, George) (Entered: 05/21/2019)
05/22/2019	38	Hearing Set(BK Motion) (TEXT ONLY EVENT) (re: related document(s) 33 Motion to Dismiss Case (Other), 37 Proposed Order). Hearing to be held on 6/20/2019 at 10:00 AM Rochester Courtroom for 33 , (Andrews, A.) (Entered: 05/22/2019)
05/31/2019	40 (2 pgs; 2 docs)	Notice of Requirement to Complete Course in Financial Management. (ADIClerk) (Entered: 05/31/2019)
06/05/2019	41 (2 pgs)	BNC Certificate of Mailing - Notice. (re: related document(s) 40 Notice of Requirement to Complete Course in Financial Management). Notice Date 06/05/2019. (Admin.) (Entered: 06/06/2019)

06/20/2019	42	Hearing Held - motion is DENIED without prejudice. The Court will prepare the Order. Appearances: Zachary Pike, Attorney for debtor, Trustee George M. Reiber (TEXT ONLY EVENT) (re: related document(s) 33 Motion to Dismiss Case (Other)). (Folwell, T.) (Entered: 06/20/2019)
06/21/2019	43 (4 pgs; 4 docs)	Order Denying Motion to Dismiss Case (RE: related doc(s) 33 Motion to Dismiss Case (Other)). Signed on 6/20/2019. NOTICE OF ENTRY. (Putnam, S.) (Entered: 06/21/2019)
06/23/2019	44 (2 pgs)	BNC Certificate of Mailing - Notice of Entry. (re: related document(s) 43 Order on Motion to Dismiss Case). Notice Date 06/23/2019. (Admin.) (Entered: 06/24/2019)
06/23/2019	45 (2 pgs)	BNC Certificate of Mailing - Order (re: related document(s) 43 Order on Motion to Dismiss Case). Notice Date 06/23/2019. (Admin.) (Entered: 06/24/2019)
07/22/2019	46	Confirmation Hearing Continued(BK Other) - Prior to the calendar, the matter was Adjourned. Appearances: None. (TEXT ONLY EVENT) (re: related document(s) 18 Chapter 13 Plan filed by Debtor Cori DuVall). Confirmation hearing to be held on 1/6/2020 at 09:00 AM (check with court for location). (Putnam, S.) (Entered: 07/22/2019)
07/23/2019	47	Hearing-Schedule Update (TEXT ONLY EVENT) (re: related document(s) 18 Chapter 13 Plan filed by Debtor Cori DuVall). Confirmation hearing to be held on 1/6/2020 at 09:00 AM at Rochester Courtroom. (Putnam, S.) (Entered: 07/23/2019)
09/17/2019	48	Hearing-Schedule Update (TEXT ONLY EVENT) (re: related document(s) 18 Chapter 13 Plan filed by Debtor Cori DuVall). Confirmation hearing to be held on 1/13/2020 at 09:00 AM at Rochester Courtroom. (Folwell, T.) (Entered: 09/17/2019)
01/13/2020	49	Confirmation Hearing Continued(BK Other) - Prior to the calendar, the matter was Adjourned. Appearances: None. (TEXT ONLY EVENT) (re: related document(s) 18 Chapter 13 Plan filed by Debtor Cori DuVall). Confirmation hearing to be held on 7/20/2020 at 09:00 AM at Rochester Courtroom. (Folwell, T.) (Entered: 01/13/2020)

PACER Service Center

Transaction Receipt

02/11/2020 17:51:50

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jdiponzio

Client
Code:

Description:	Docket Report	Search Criteria:	2-19-20179-PRW Fil or Ent: filed Doc From: 0 Doc To: 99999999 Term: included Format: html Page counts for documents: included
Billable Pages:	4	Cost:	0.40

WAIVE, AP, APpending

**U.S. Bankruptcy Court
Western District of New York (Rochester)
Adversary Proceeding #: 2-19-02011-PRW**

Assigned to: Warren, U.S.B.J.

Date Filed: 04/25/19

Lead BK Case: [19-20179](#)

Lead BK Title: Cori DuVall

Lead BK Chapter: 13

Demand:

Nature[s] of Suit: 13 Recovery of money/property - 548 fraudulent transfer

Plaintiff

Cori DuVall

5550 County Road 30

Canandaigua, NY 14424

SSN / ITIN: xxx-xx-2304

represented by **Zachary James Pike**

Legal Aid Society of Rochester, NY, Inc

1 West Main Street

Rochester, NY 14614

(585) 295-5784

Email: zpike@lasroc.org

V.

Defendant

County of Ontario, New York

20 Ontario Street

Canandaigua, NY 14424

(585) 396-4411

represented by **Jason S. DiPonzio**

450 Reynolds Arcade Bldg.

16 E. Main Street

Rochester, NY 14614

(585) 530-8515

Fax : (585) 530-8518

Email: jdiponzio@diponziolaw.com

Defendant

John Doe

represented by **John Doe**

PRO SE

Defendant

Jane Doe

represented by **Jane Doe**
PRO SE

Filing Date	#	Docket Text
04/25/2019	1 (2 pgs)	Adversary case 2-19-02011. 13 (Recovery of money/property - 548 fraudulent transfer). Complaint Filed by Cori DuVall vs Ontario County, New York. Statutory Fee Due: \$350 - WAIVED . (Flag set: AP, APpending) (Pike, Zachary) (Entered: 04/25/2019)
04/25/2019	2 (14 pgs)	Document. <i>COMPLAINT</i> . Filed on behalf of Plaintiff Cori DuVall (Pike, Zachary) (Entered: 04/25/2019)
04/26/2019	3	Fee Waived for Adversary case 2:19-ap-2011. Receipt Number WAIVED, Fee Amount \$0.00 (TEXT ONLY EVENT) (Flag set: WAIVE) (Putnam, S.) (Entered: 04/26/2019)
04/26/2019	4	John Doe, and Jane Doe added to case (TEXT ONLY EVENT) (Putnam, S.) (Entered: 04/26/2019)
04/26/2019	5 (5 pgs; 4 docs)	Summons Issued on 4/26/2019 to Plaintiff or Plaintiffs Attorney re: Defendant, Jane Doe , John Doe , Ontario County, New York . (Putnam, S.) (Entered: 04/26/2019)
05/05/2019	6 (2 pgs)	Summons Service Executed on Ontario County, New York 5/3/2019 (Pike, Zachary) (Entered: 05/05/2019)
05/20/2019	7 (10 pgs; 2 docs)	Answer to Complaint. Filed by Ontario County, New York (RE: related document(s) 1 Complaint). (Attachments: # 1 Certificate of Service) (DiPonzio, Jason) (Entered: 05/20/2019)
05/21/2019	8 (7 pgs; 4 docs)	Order Setting Rule 16 Conference. SENT ELECTRONICALLY AND VIA U.S. MAIL. Signed on 5/21/2019 (RE: related document(s) 1 Complaint filed by Plaintiff Cori DuVall). Rule 16 Conference set for 6/26/2019 at 10:00 AM at Rochester Chambers. NOTICE OF ENTRY. (Folwell, T.) (Entered: 05/21/2019)
06/14/2019	9 (2 pgs)	Document. . Filed on behalf of Plaintiff Cori DuVall (Pike, Zachary) (Entered: 06/14/2019)
06/26/2019	10 (5 pgs; 4 docs)	Scheduling Order. Signed on 6/26/2019 (RE: related document(s) 1 Complaint filed by Plaintiff Cori DuVall, 7 Answer to Complaint filed by Defendant County of Ontario, New York, 8 Order Setting Rule 16 Conference., 9 Document filed by Plaintiff Cori DuVall). Trial Term- Trial date set for 1/28/2020 at 09:00 AM at Rochester Courtroom. NOTICE OF ENTRY. (Folwell, T.) (Entered: 06/26/2019)
12/06/2019	11 (1 pg)	Letter . Filed on behalf of Plaintiff Cori DuVall (Pike, Zachary) (Entered: 12/06/2019)

12/09/2019	12 (5 pgs; 4 docs)	Amended Trial Scheduling Order. Signed on 12/9/2019 (RE: related document(s) 1 Complaint filed by Plaintiff Cori DuVall, 7 Answer to Complaint filed by Defendant County of Ontario, New York, 10 Scheduling Order). Pre-Trial Conference set for 3/27/2020 at 10:00 AM at Rochester Chambers. Trial Term-Trial date set for 3/30/2020 at 09:00 AM at Rochester Courtroom. NOTICE OF ENTRY. (Folwell, T.) (Entered: 12/09/2019)
12/12/2019	13 (6 pgs; 4 docs)	Second Amended Trial Scheduling Order. Signed on 12/12/2019 (RE: related document(s) 1 Complaint filed by Plaintiff Cori DuVall, 7 Answer to Complaint filed by Defendant County of Ontario, New York, 8 Order Setting Rule 16 Conference., 10 Scheduling Order, 12 Scheduling Order). Pre-Trial Conference set for 3/20/2020 at 10:00 AM at Rochester Chambers. Trial Term-Trial date set for 3/24/2020 at 09:00 AM at Rochester Courtroom. NOTICE OF ENTRY. (Folwell, T.) CLERK'S NOTE: PDF DOCUMENT CONTAINS INCORRECT INFORMATION. PLEASE SEE ENTRY AT ECF #14. Modified on 12/12/2019 (Folwell, T.). (Entered: 12/12/2019)
12/12/2019	14 (6 pgs; 4 docs)	Second Amended Trial Scheduling Order. Signed on 12/12/2019 (RE: related document(s) 1 Complaint filed by Plaintiff Cori DuVall, 7 Answer to Complaint filed by Defendant County of Ontario, New York, 8 Order Setting Rule 16 Conference., 10 Scheduling Order, 12 Scheduling Order, 13 Scheduling Order). Pre-Trial Conference set for 3/20/2020 at 10:00 AM at Rochester Chambers. Trial Term-Trial date set for 3/24/2020 at 09:00 AM at Rochester Courtroom. NOTICE OF ENTRY. (Folwell, T.) (Entered: 12/12/2019)
02/24/2020	15 (1 pg)	Letter (RE: related document(s) 14 Scheduling Order). Filed on behalf of Plaintiff Cori DuVall (Pike, Zachary) (Entered: 02/24/2020)
02/25/2020	16 (4 pgs; 4 docs)	Order Granting Stipulation: "This Stipulation is Approved. However, No other dates will be moved as set out in the Court's Scheduling Order." Signed on 2/25/2020 (RE: related document(s) 15 Letter filed by Plaintiff Cori DuVall). (Andrews, A.) (Entered: 02/25/2020)

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